

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19-CR-00576(BMC)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	January 18, 2023
GENARO GARCIA LUNA,	:	9:00 a.m.
	:	
Defendant.	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION
BEFORE THE HONORABLE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE

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Jury Selection

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1 (In open court.)

2 (Defendant present.)

3 THE COURTROOM DEPUTY: This is criminal cause for
4 jury selection, docket 19-CR-576, United States versus Genaro
5 Garcia Luna, Magistrate Judge Peggy Kuo presiding.

6 Persons granted remote access to proceedings are
7 reminded of the general prohibition against photographing,
8 recording, and rebroadcasting of court proceedings. Violation
9 of these prohibitions may result in sanctions, including
10 removal of court issued media credentials, restricted entry to
11 future hearings, denial of entry to future hearings, or any
12 other sanctions deemed necessary by the court.

13 Counsel, starting with the Government, could you
14 please state your appearances for the record.

15 MS. KOMATIREDDY: Good morning, Your Honor. Saritha
16 Komatireddy for the United States. I'm joined by my
17 colleagues Erin Reid, Phil Pilmar, Marietou Diouf, as well as
18 Special Agent James Cain of the Drug Enforcement
19 Administration.

20 MR. PILMAR: Good morning.

21 MR. DE CASTRO: For Mr. Garcia Luna, Cesar de
22 Castro, Valerie Alice Gotlib, Florian Miedel, Shannon McManus,
23 and our paralegals Austin Dean and Kimberly Tabares.

24 THE COURT: All right. Good morning, everyone. So
25 we have a couple of housekeeping matters I want to deal with

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1 today. The first is that yesterday, with regard to Juror No.
2 77, I had indicated that my staff gave me a note that that
3 juror said he had seen the news over the lunch break and when
4 he was being questioned, he didn't know it and denied it
5 happened. It turns out that the juror number that was relayed
6 to me was incorrect, that it was actually Juror No. 27. So,
7 unfortunately, that discrepancy may have played a role in the
8 parties' agreement to have that juror excused for cause. I
9 don't know if we can do anything about that at this point. He
10 has been dismissed.

11 We could try calling him back. I don't know that he
12 would be happy about that. But in any event, I wanted to let
13 you know.

14 The other consequences is that it is Juror No. 27.
15 So when Juror No. 27 comes in tomorrow, we should ask him
16 questions about what news he may have seen. So I just wanted
17 to make that correction for you.

18 And the other thing is that there are several jurors
19 we had asked to find out about whether they would get paid. I
20 think my deputy may have told you that we heard back from some
21 of them.

22 MR. DE CASTRO: He mentioned it, Your Honor, but we
23 didn't --

24 THE COURT: We can all look through those now since
25 we have a few minutes while the jurors are being brought up

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1 from downstairs.

2 Juror No. 7 said the employer told that juror that
3 they will not be paid.

4 Juror No. 15 said that they be paid for the first
5 two weeks.

6 Juror No. 17 says they thinks they will be paid two
7 weeks, but will check on that.

8 And then 4, 19, 32 and 36 do not yet know. So we
9 will get information from them. I just wanted to give you an
10 update on that so you can consider what we should be doing.

11 If, by the end of the day, you have reached any
12 agreement or have any thoughts on whether 7 -- at the very
13 least, 7 and 15 have given us definitive answers and should be
14 excuse and that they don't need to come in on Thursday, but if
15 you want them to come in on Thursday, that's fine as well. I
16 wanted to give you that information.

17 The other thing is that we had gotten a request for
18 Juror No. 105 about that juror's situation by chambers'
19 e-mail, and I believe the parties agreed that Juror No. 105
20 did not need to come in. Can I confirm that?

21 MR. DE CASTRO: That's correct.

22 MS. KOMATIREDDY: That's correct, Your Honor.

23 THE COURT: Juror No. 105 is excused.

24 We also got an indication this morning from Juror
25 No. 141 that that juror has something that needs to be

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1 attended to today, and so we have agreed to let that juror be
2 questioned first so that the juror can go to the important
3 meeting later in the day. After Juror No. 141, we will start
4 with the rest of the jurors.

5 I should also let you know that jurors 12 and 46
6 from yesterday did not show up today. The jury office will be
7 contacting them.

8 So we will then start with Juror No. 86 and go
9 through Juror No. 123, hopefully, this morning, and then
10 resume in the afternoon up through Juror 162. So, as I
11 mentioned yesterday, if we get to 40 today, great; if we
12 don't, I think we have another batch of questionnaires that
13 were filled out last week, another batch of jurors who filled
14 out questionnaires last week, so we can move on to that third
15 day's group. And then we will see how we go. I'm hopeful we
16 will finish Thursday morning.

17 So the question for the parties is whether you would
18 like to start the trial, if we finish, with opening statements
19 on Thursday afternoon or, since Judge Cogan will not be
20 sitting on Friday, just start on Monday with opening
21 statements? You don't need to answer now. You can think
22 about it. I just wanted to put that out there. We may not be
23 done by Thursday, but if we are done by Thursday morning,
24 please let me know that if you would like to start Thursday
25 afternoon.

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1 MR. DE CASTRO: Judge, we have actually started
2 talking about that. I don't know that we have a definitive
3 answer, but I guess do you know what the Court wants to do,
4 what Judge Cogan wants to do or is he leaving it up to us?

5 THE COURT: He's leaving it up to you.

6 MR. DE CASTRO: That's helpful.

7 THE COURT: But please let me know. We won't know
8 -- if we get all 40 qualified jurors this afternoon, then I
9 think we'll be in a good position to know if it can go
10 forward. If not, there's still some possibility we won't
11 finish Thursday. It's a little uncertain. But, like I said,
12 think about it. Let me know by the end of the day what you
13 want to do.

14 MS. KOMATIREDDY: We conferred. I think we'll be
15 able to come to an agreement and let you know by the end of
16 the day.

17 THE COURT: Okay.

18 MR. DE CASTRO: Yes, and I think we'll be pretty
19 informed by the morning too.

20 THE COURT: I agree. Right now is too soon to know
21 for sure. Okay. So we will just wait a few minutes while the
22 jurors are brought up from the second floor and then we will
23 start with Juror No. 141.

24 Do you -- since we have a moment, want to point out
25 what questions you would like to focus on for this juror?

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1 MR. DE CASTRO: Sure. There seems to be a bunch.
2 Obviously starting with the hardship, and then we had 35, 36,
3 42, 43, 44, 45, 47, 58, 59, 60 and 66.

4 MS. KOMATIREDDY: And 43, Your Honor.

5 THE COURT: Okay. All right. Then since we will
6 then be moving on to Juror No. 86, also 86.

7 MR. DE CASTRO: 43, 44, 66, and the hardship.

8 MS. KOMATIREDDY: We would add 55 and 58.

9 THE COURT: Let's take advantage of this lull and do
10 a couple more juror questions, so for juror 87.

11 MR. DE CASTRO: We had just 45.

12 THE COURT: Okay.

13 MS. KOMATIREDDY: Same here.

14 THE COURT: 88?

15 MR. DE CASTRO: Hardship, and 34, 35, 44, 55, 56 and
16 66.

17 MS. KOMATIREDDY: And 52, Your Honor.

18 THE COURT: Okay. And Juror No. 89?

19 MR. DE CASTRO: We had 44 and 47.

20 MS. KOMATIREDDY: That covers us, Your Honor.

21 THE COURT: 89?

22 MS. KOMATIREDDY: That covers us as well.

23 THE COURT: 90, I just had one, 62-C.

24 MR. DE CASTRO: Nothing else for us.

25 THE COURT: Okay. Anything from the Government?

Prospective Juror No. 141

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1 MS. KOMATIREDDY: That's it.

2 THE COURT: That was for juror 90.

3 MS. KOMATIREDDY: Nothing in addition.

4 THE COURT: How about for juror 91?

5 MR. DE CASTRO: We have nothing.

6 MS. KOMATIREDDY: We have nothing.

7 THE COURT: 93?

8 MR. DE CASTRO: 56.

9 MS. KOMATIREDDY: 4, 24 and 40.

10 THE COURT: 94?

11 MR. DE CASTRO: We have 42, 44, 49, 50, 56, and
12 hardship 69 through 71.

13 MS. KOMATIREDDY: That covers us as well, Your
14 Honor.

15 THE COURT: All right. Great. I think the jurors
16 are here.

17 (Prospective Juror No. 141 enters.)

18 THE COURT: Good morning, Juror No. 141. Come up to
19 the podium, please. And you can put your bag and your coat on
20 the chair if you would like. You can also leave your mask on
21 if you want, or you don't if you feel more comfortable.

22 How are you doing today?

23 THE PROSPECTIVE JUROR: Okay. A little nervous.

24 THE COURT: That's okay. That's very natural. We
25 are calling you first because you said you have something you

Prospective Juror No. 141

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1 need to attend to this afternoon.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: But, more importantly, you said that you
4 have some issues with serving on the jury in terms of your
5 timing?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Can you tell us about that?

8 THE PROSPECTIVE JUROR: I just got hired at the
9 hospital where I'm working in late November and my department,
10 I'm a department of one for performance improvement and we
11 have the three-year survey for the joint commission at our
12 hospital for the first quarter and I have to provide all of
13 the hospital performance improvement projects to the CEO and
14 to the Board of Health and hospitals for the survey and it's
15 kind of like the timing. I just have to be there, so it's
16 going to be hard to serve where I'm the only one to provide
17 all of that.

18 THE COURT: Is there any possibility of the survey
19 being delayed?

20 THE PROSPECTIVE JUROR: No. They come every three
21 years to all the hospitals in New York City. It's a state
22 vary, the Commission.

23 THE COURT: When is it due?

24 THE PROSPECTIVE JUROR: The survey, they can walk
25 into the hospital at any time between January to April.

Prospective Juror No. 86

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1 THE COURT: I see. So you need to be prepared in
2 case --

3 THE PROSPECTIVE JUROR: I have to prepare, I have to
4 -- yes, the survey comes and they're going to ask me for
5 reports.

6 THE COURT: And there's no way to schedule it so
7 that they can tell you that this when they're coming in?

8 THE PROSPECTIVE JUROR: You can ask the New York
9 City Health and Hospitals' Chairman, Mitchell Katz, he might
10 be able to redirect them, but I can't.

11 THE COURT: But you can't?

12 THE PROSPECTIVE JUROR: Yeah, because I can't. I
13 just got hired. I've only been there seven weeks. So there's
14 a lot going on. The meeting I have today, I have to get all
15 of the positions in a meeting that postponed, so....

16 MR. DE CASTRO: We have no objection.

17 MS. KOMATIREDDY: No objection, Your Honor.

18 THE COURT: Thank you. Thank you for letting us
19 know. You are excused.

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: Go back to the second floor and let them
22 know.

23 (Prospective juror No. 141 excused.)

24 THE COURT: We are ready for Juror No. 86.

25 (Prospective Juror No. 86 enters.)

Prospective Juror No. 86

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1 THE COURT: Good morning, Juror No. 86. Step up to
2 the podium, please, and you can put your bag and your coat on
3 the chair.

4 How are you today?

5 THE PROSPECTIVE JUROR: Doing well. Thanks.
6 Yourself?

7 THE COURT: I'm good. Thank you. We have a couple
8 of follow-up questions based on the questionnaire answers that
9 you gave, and I will start with the hardship question.

10 You said you have some childcare issues. Can you
11 tell us about that?

12 THE PROSPECTIVE JUROR: Yeah, it's just my wife and
13 I are trying to take care of a two-year-old with full-time
14 jobs.

15 THE COURT: And how do you manage now?

16 THE PROSPECTIVE JUROR: He's in daycare. We
17 alternate drop off and pick up. Our work schedules fluctuate.

18 THE COURT: So if you were -- what time do those
19 things need to happen?

20 THE PROSPECTIVE JUROR: So, I try to get on a train
21 as early as possible and drop him off at 7:30. Sometimes we
22 alternate and he gets dropped off later. But a three-year-old
23 spending close to eight, nine hours in daycare, it's a little
24 bit much on him, I think.

25 THE COURT: And so the pick up in the evenings is?

Prospective Juror No. 86

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1 THE PROSPECTIVE JUROR: It's like five o'clock.

2 THE COURT: I see. And there's nobody that could
3 help out?

4 THE PROSPECTIVE JUROR: No, no. Unfortunately, my
5 father, while he lives on Long Island, I don't trust him with
6 my son. And my mother is in Florida and my wife's parents are
7 in Italy.

8 THE COURT: And there are no neighbors or other
9 trusted friends who --

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: The drop off might not be a problem
12 because it's early.

13 THE PROSPECTIVE JUROR: Unfortunately not, yeah.

14 MR. DE CASTRO: No objection.

15 MS. KOMATIREDDY: We would like further questioning,
16 Your Honor.

17 THE COURT: Okay, let me ask you a couple of
18 questions about the other things that you indicated. You said
19 that you have some friends and cousins who are police
20 department?

21 THE PROSPECTIVE JUROR: Yeah, NYPD, yeah.

22 THE COURT: Will that have an affect on your ability
23 to be fair and impartial in a criminal case?

24 THE PROSPECTIVE JUROR: You know, as much as they
25 are police officers, I rarely speak to them. I just answered

Prospective Juror No. 86

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1 the question. So, I don't think -- I don't think I will be
2 unfair or impartial based on that.

3 THE COURT: So you would believe or not believe a
4 police officer just like any other witness?

5 THE PROSPECTIVE JUROR: Sure.

6 THE COURT: And then you also indicated that many
7 years ago you had spent overnight, you said, in jail.

8 THE PROSPECTIVE JUROR: Yeah, yeah.

9 THE COURT: Was there anything about that experience
10 that would cause you to be unfair?

11 THE PROSPECTIVE JUROR: No, no. Just, you know,
12 reckless, you know, I want to say child, but I was in my early
13 20s, but, you know, being young and stupid.

14 THE COURT: Okay. That's fine. You also said that
15 you had some fear of sitting on this jury. Can you tell us
16 about that?

17 THE PROSPECTIVE JUROR: I mean, the case is a huge
18 case and I watch too much TV, so it's, you know, probably just
19 movie-driven fear, you know, that's when you if hear the word
20 cartel, it's like wow, it's big.

21 THE COURT: Sure.

22 THE PROSPECTIVE JUROR: You know.

23 THE COURT: Do you think that thought would have any
24 affect on your ability to focus on the trial and render --

25 THE PROSPECTIVE JUROR: No.

Prospective Juror No. 86

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1 THE COURT: -- a fair verdict?

2 THE PROSPECTIVE JUROR: No, no, not really.

3 THE COURT: So you would be able to focus and not
4 let any fear or outside concerns affect whether you render a
5 verdict of guilty or not guilty?

6 THE PROSPECTIVE JUROR: Honestly, probably not, no.

7 THE COURT: And it would be just based on the
8 evidence?

9 THE PROSPECTIVE JUROR: Yeah, right.

10 THE COURT: Okay. And then there is some indication
11 that you or someone you knew had used drugs.

12 THE PROSPECTIVE JUROR: Yeah. Yes, I have.

13 THE COURT: And does that -- do you think that will
14 affect your ability to sit on a drug case.

15 THE PROSPECTIVE JUROR: I don't think so. I mean,
16 it's so far in my past right now. So, being, you know, a
17 father and a husband and a professional now, then it's all in
18 my past.

19 THE COURT: Right. Right. Okay. And then you said
20 you weren't sure if you would get paid, can you talk about
21 that?

22 THE PROSPECTIVE JUROR: So I confirmed, I get 80
23 hours.

24 THE COURT: 80 hours.

25 THE PROSPECTIVE JUROR: Yeah, so it's 10 days's pay

Prospective Juror No. 87

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1 from my company.

2 THE COURT: Right. Okay. And if you ended sitting
3 on this jury and it was eight weeks rather than ten days?

4 THE PROSPECTIVE JUROR: That would be tough. If it
5 wasn't eight weeks, I'd have to use paid time off, of course,
6 and, you know, I don't know what happens after that.

7 THE COURT: And would that financial situation
8 affect your ability to be fair and focus on the trial?

9 THE PROSPECTIVE JUROR: It could. Yeah, I mean, it
10 would make me nervous to pay bills, you know, and, you know,
11 it's a month-to-month basis. Even though I am fairly
12 successful professional, it's expensive.

13 THE COURT: Right. Okay.

14 THE PROSPECTIVE JUROR: Life is expensive.

15 THE COURT: Yes, it is. Okay. Any follow-up
16 questions?

17 MS. KOMATIREDDY: No. We have no objection, Your
18 Honor.

19 THE COURT: So you are excused.

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: Thank you. You can go back down to the
22 second floor.

23 Juror No. 87.

24 THE COURT: Juror No. 87, please.

25 (Prospective Juror No. 87 enters.)

Prospective Juror No. 87

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1 THE COURT: Good morning, Juror No. 87, come to the
2 podium, please.

3 How are you doing?

4 THE PROSPECTIVE JUROR: I'm good. Thank you.

5 THE COURT: Good. You can put your coat on that
6 chair if you want and you can also keep your mask on if you'd
7 like, but you can also take it off. So we just have a couple
8 of questions for you to follow up on the questionnaire.

9 And you indicated, when you were asked about whether
10 anyone has volunteered with any aspect of criminal defense
11 works that your wife volunteers with a group of tech people
12 and don't know really know the details of what she does.

13 THE PROSPECTIVE JUROR: Not too much, no.

14 THE COURT: So you characterized it as leftist
15 causes. Do you know generally why you think they are leftist?

16 THE PROSPECTIVE JUROR: Generally, the kind of
17 social justice fear. I've heard things like -- I mean, the
18 details are fuzzy, but like search queries, that certain
19 search queries lead to like websites dominating certain end of
20 the political spectrum, but I don't know really know the
21 details.

22 THE COURT: Do you and your wife talk about these
23 issues or --

24 THE PROSPECTIVE JUROR: I mean, I think we are both
25 people of the left, generally, but I don't really know what

Prospective Juror No. 88

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1 she does in this capacity.

2 THE COURT: Right. And then when you say people of
3 the left, will that affect your ability to be fair and
4 impartial in a criminal case like this?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: So would you tend to favor the
7 prosecution or the defendant just without hearing the
8 evidence?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: So would you decide the case based just
11 on the evidence that you hear and be fair to both sides in
12 this case?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: All right. Any follow-up questions?

15 MR. DE CASTRO: No.

16 MS. KOMATIREDDY: No. Thank you, Judge.

17 THE COURT: Thank you. You can go back across the
18 hall.

19 (Prospective juror 87 exits.)

20 THE COURT: We are ready for Juror No. 88.

21 Juror No. 88, you can step up, please.

22 (Prospective Juror No. 88 enters.)

23 THE COURT: How are you doing?

24 THE PROSPECTIVE JUROR: Over here?

25 THE COURT: You can stand at the podium. There is a

Prospective Juror No. 88

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1 microphone there. You can take your mask off if you are more
2 comfortable or you can leave it on.

3 We just had a couple of follow-up questions based on
4 the answers that you gave on the questionnaire.

5 You indicated that -- I'll start with your hardship
6 question. You said you're nervous as a juror.

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: Can you talk about that a little bit?

9 THE PROSPECTIVE JUROR: It's just something, you
10 know, I just -- I...I don't know, I don't know, I can't
11 explain it, just....

12 THE COURT: Well, it's natural to be -- yeah, it's
13 natural to be nervous. It's not a normal circumstance.

14 THE PROSPECTIVE JUROR: Exactly. It's not
15 something, you know, that I ever did before, so.

16 THE COURT: We try our best to put people at ease.

17 THE PROSPECTIVE JUROR: Thank you.

18 THE COURT: And people will also explain things to
19 you so that you won't feel like you don't understand. But
20 we're looking for people who can be fair and impartial and
21 will focus on the trial because it's important to everybody
22 involved. We just want to make sure that, you know, you would
23 be an appropriate person under those circumstances.

24 THE PROSPECTIVE JUROR: Right.

25 THE COURT: So do you think the fact that this is a

Prospective Juror No. 88

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1 drug-related crime would affect your ability to be fair to
2 both sides in this case?

3 THE PROSPECTIVE JUROR: I mean, you know, I -- I see
4 what's going on in the world and what's going on in the
5 country with all the drugs coming in, you know, so I -- I
6 mean, I see that aspect of it, it's hard for me to be here at
7 this moment to say I will be fair or won't be fair. I've
8 never been in that situation, so I really -- like, I'm being
9 as honest as I can.

10 THE COURT: Sure.

11 THE PROSPECTIVE JUROR: I can be listening and
12 something might be said and I might sway that way that I feel
13 he's guilty, you know. I don't know. I don't know, to be
14 honest with you.

15 But, you know, I see what's going on in this
16 country. And my nephew is a cop and he tells me a lot of
17 what's going on on the streets with the drugs.

18 THE COURT: Well, we all live in the world and it's
19 quite natural to see things --

20 THE PROSPECTIVE JUROR: Right. Right.

21 THE COURT: -- and hear things --

22 THE PROSPECTIVE JUROR: Right.

23 THE COURT: -- and to believe things. The issue is
24 whether you can set aside any preconceived ideas and be fair
25 to the parties. And, so, when you said you might listen to

Prospective Juror No. 88

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1 evidence and be swayed one way or the other, that's fine,
2 because you're suppose to consider the evidence and at some
3 point you'll make a decision.

4 THE PROSPECTIVE JUROR: Right.

5 THE COURT: And make a decision of choosing one side
6 over the over. But as long as it is just based on the
7 evidence and not based on other outside things or improper
8 forces or preconceived notions that you can't set aside, then
9 that's fine.

10 THE PROSPECTIVE JUROR: Yeah. Like I said, it's
11 hard for me to say at this moment if that would be the case.
12 I'm being very honest.

13 THE COURT: But will you keep an open mind and
14 listen to the evidence?

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: Okay. You mentioned that your nephew is
17 a police officer. Do you think the fact that you have a close
18 tie to somebody who's law enforcement will affect your ability
19 to be fair to both the prosecution and the defendant in this
20 case?

21 THE PROSPECTIVE JUROR: You know, I mean, I see what
22 he's going through and I see how, you know, things with, you
23 know, the past administration, how the whole department has
24 been treated, so I have all of that in my head from him, so
25 that -- you know, that does have an effect on me because he

Prospective Juror No. 88

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1 means so much to me and, you know, he tries do a good job in
2 the way that he's been treated, not that everyone treats him
3 unfairly, but the last couple years has been difficult on him
4 and on his department.

5 THE COURT: Right. And the issue would be if
6 somebody was law enforcement and testifying, whether you would
7 believe that person just because they are law enforcement or
8 would you treat them just like any other witness?

9 THE PROSPECTIVE JUROR: To be honest, I would
10 probably look more to them as being more honest than anyone
11 else.

12 THE COURT: Okay. And would you listen and assess
13 their credibility to see if he were being honest on the stand
14 or would you just believe them?

15 THE PROSPECTIVE JUROR: I, you know, I will try to
16 keep an open mind again, you know -- I -- it's hard -- I would
17 try to keep an open mind, I guess, but it's hard for me, you
18 know.

19 MS. KOMATIREDDY: No objection, Your Honor.

20 MR. DE CASTRO: No objection.

21 THE COURT: Well, thank you for being so open with
22 us. You're excused.

23 THE PROSPECTIVE JUROR: Okay.

24 (Prospective juror 88 exits.)

25 THE COURT: Juror 89, please.

Prospective Juror No. 89

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1 (Prospective Juror No. 89 enters.)

2 THE COURT: Good morning, Juror No. 89. You can
3 step up to this podium here.

4 THE PROSPECTIVE JUROR: All the way?

5 THE COURT: Yes. You can put your bag and your coat
6 on the chair if you'd like.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: How are you doing today?

9 THE PROSPECTIVE JUROR: I'm all right. Thank you.

10 THE COURT: Good. We just had a few questions based
11 on the answers that you gave on the questionnaire.

12 You indicated that you or someone you know worked as
13 Port Authority Police and also as a court officer. Are those
14 people --

15 MS. KOMATIREDDY: No, no, no. I said that I
16 applied.

17 THE COURT: You applied? Okay. I'm sorry. So you
18 applied for these positions?

19 THE PROSPECTIVE JUROR: Yeah.

20 THE COURT: And, so, the fact that you are
21 interested in becoming a Port Authority Police or a court
22 officer, do you think that would affect your ability to be
23 fair in a case that involved law enforcement.

24 THE PROSPECTIVE JUROR: No. I mean --

25 THE COURT: Would you be fair?

Prospective Juror No. 89

325

1 THE PROSPECTIVE JUROR: Yes, yes.

2 THE COURT: Okay. And if there were a witness who
3 was law enforcement and an another witness was not law
4 enforcement, would you tend to believe one over the other just
5 because of the --

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: -- who they are?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: All right. You also mentioned you have
10 a cousin who is a lawyer.

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Do you ever talk about legal issues?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Okay. The question there would be
15 whether, when Judge Cogan instructs you on what the law is,
16 you would be affected by what somebody else told you the law
17 was. Would you apply the law as Judge Cogan instructs you?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: All right. Great. It is there any
20 reason why you could not be a fair and impartial juror in this
21 case?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: All right. Any follow up?

24 MR. DE CASTRO: No.

25 MS. KOMATIREDDY: 37, Your Honor.

Prospective Juror No. 89

326

1 THE COURT: 37.

2 So you had served on a jury before, but you weren't
3 sure -- wait. Let me just see. You didn't indicate whether
4 you had reached a verdict or not. This was in 2019. Do you
5 remember whether you reached a verdict?

6 THE PROSPECTIVE JUROR: 2019, that was grand jury.

7 THE COURT: Grand jury, so you wrote down murder,
8 murder --

9 THE PROSPECTIVE JUROR: That was previous because I
10 was more than one jury.

11 THE COURT: Okay. Thank you for clarifying that.
12 In the murder trial, was there a verdict?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Don't tell me what it was. I just
15 wanted to know if you had reached a verdict. And, then, just
16 to let you know for a grand jury, the burden of proof is
17 probable cause. In a trial like this, the burden of proof is
18 beyond a reasonable doubt. It's higher.

19 THE PROSPECTIVE JUROR: Okay.

20 THE COURT: Can you apply a higher standard?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Great. Anything else?

23 Thank you very much. You can go back across the
24 hall.

25 THE PROSPECTIVE JUROR: Thank you.

Prospective Juror No. 90

327

1 (Prospective juror 89 exits.)

2 THE PROSPECTIVE JUROR: Juror No. 90.

3 (Prospective Juror No. 90 enters.)

4 THE COURT: Hello. You can step right up here. You
5 can put your coat on the chair if you want.

6 THE PROSPECTIVE JUROR: Over here?

7 THE COURT: Yes. And if you want to keep your mask
8 on, that's fine, or you can take it off if you feel more
9 comfortable.

10 How are you doing today?

11 THE PROSPECTIVE JUROR: How you doing?

12 THE COURT: I'm good. Thanks.

13 I have one question for you on the questionnaire,
14 you were asked about the possibility that there would be
15 Government be witnesses who testified --

16 THE PROSPECTIVE JUROR: Right.

17 THE COURT: -- pursuant to a cooperation agreement
18 with the Government, and you were asked whether you could
19 accept a rule of law that the Government does not have to
20 present a specific type of evidence. I don't know whether you
21 meant to check off that you would have a problem with that,
22 but I just wanted to check with you.

23 Did you understand the question?

24 THE PROSPECTIVE JUROR: Is that how I answered the
25 question?

Prospective Juror No. 90

328

1 THE COURT: It says yes or no and sometimes people
2 get mixed up.

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: So do you have a problem with accepting
5 that the Government does not have to provide a specific type
6 of evidence?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Great. Thank you for that
9 clarification.

10 Is there any reason that you could not be a fair and
11 impartial juror in this case?

12 THE PROSPECTIVE JUROR: There's no reason.

13 THE COURT: No reason. Okay. Great. Any follow-up
14 questions?

15 MS. KOMATIREDDY: No, Your Honor. Thank you.

16 THE COURT: All right. Thank you very much.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: You can go back across the hall.

19 THE PROSPECTIVE JUROR: Thank you.

20 (Prospective juror 90 exits.)

21 THE COURT: The way the questionnaire is worded,
22 sometimes it's a little confusing. So when they check off a
23 box that causes concern, I sometimes ask for clarification.
24 The yes and no's are reversed on occasion, so it's hard to
25 follow.

Prospective Juror No. 91

329

1 MS. KOMATIREDDY: We do that on purpose, Your Honor,
2 to make sure they are paying attending.

3 THE COURT: Sometimes they get tripped up.

4 So Juror No. 91.

5 (Prospective Juror No. 91 enters.)

6 THE COURT: Hi, Juror No. 91, you can step up to the
7 podium. And you can put your coat down on the chair if you
8 want.

9 THE PROSPECTIVE JUROR: All right.

10 THE COURT: Right here, try to make it easier for
11 you. And you can keep your mask on if you want.

12 THE PROSPECTIVE JUROR: Okay.

13 THE COURT: So I saw that you were an alternate
14 juror in a civil case.

15 THE PROSPECTIVE JUROR: Yeah. Like I don't remember
16 the exact year. It was like 2005, 2006, something like that,
17 out in Riverhead.

18 THE COURT: That's okay. You may have been
19 instructed that the burden of proof there is preponderance of
20 the evidence of the evidence.

21 THE PROSPECTIVE JUROR: Uh-hum.

22 THE COURT: In a criminal case, the burden of proof
23 is higher, it's beyond a reasonable doubt.

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: Can you apply that higher standard?

Prospective Juror No. 91

330

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. And is there any reason that you
3 could not be a fair and impartial juror in this case?

4 THE PROSPECTIVE JUROR: I don't think so.

5 THE COURT: All right. Is there anything that you
6 want to let the Court know about that you didn't have a chance
7 to tell us?

8 THE PROSPECTIVE JUROR: Not really, other than it's
9 a really far travel for me.

10 THE COURT: I'm sorry about that.

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: But we do appreciate your willingness to
13 serve on this case. So if you could go back across the hall,
14 we'll get back to you.

15 THE PROSPECTIVE JUROR: Okay.

16 THE COURT: Thank you.

17 (Prospective juror 91 exits.)

18 THE COURT: Juror No. 93.

19 MS. KOMATIREDDY: Your Honor, some of these jurors
20 where there is not a lot of follow up for cause, if you
21 wouldn't mind asking general questions about what they read
22 just to get a sense of who they are. It's hard to exercise
23 our peremptories.

24 THE COURT: Okay.

25 MS. KOMATIREDDY: Just hear them talk a little bit.

Prospective Juror No. 93

331

1 THE COURT: Okay. Juror No. 93.

2 (Prospective Juror No. 93 enters.)

3 THE COURT: Good morning. How are you doing?

4 THE PROSPECTIVE JUROR: Good morning.

5 THE COURT: So you can put your coat there. Yes.

6 We had a couple of follow-up questions for you.

7 THE PROSPECTIVE JUROR: Sure. Should I be using
8 this?

9 THE COURT: You can leave it there. It will pick
10 up. You don't need to do anything.

11 THE PROSPECTIVE JUROR: All right.

12 THE COURT: So you had a concern that you might need
13 to take a frequent bathroom breaks.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: But that's fine. Judge Cogan will
16 accommodate that. You just need to let him know when you need
17 to take a break. I know in the course of the trial the Court
18 takes a lot of breaks anyway:

19 THE PROSPECTIVE JUROR: Uh-hum.

20 THE COURT: You also indicated that you had traveled
21 to Mexico at some point. Do you think that would affect your
22 ability to be fair in a case that involves Mexico?

23 THE PROSPECTIVE JUROR: No problem.

24 THE COURT: Okay. You also indicated in that your
25 spouse had been assaulted at some point.

Prospective Juror No. 93

332

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Do you think that experience would
3 affect your ability to be fair?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Was there ever any report -- police
6 report made in that case?

7 THE PROSPECTIVE JUROR: Yes. The person was
8 arrested, held in, I think, the detention center. I don't
9 know if it was Rikers, for two years, and then a deal was
10 struck up between the DA and the assailant's lawyers, a plea
11 bargaining. We became aware of it the night before the
12 judgment and the judge was making the judgment wasn't even
13 aware that it was originally an assault, so we were not happy
14 with that.

15 THE COURT: Right. I'm sorry to hear that.

16 THE PROSPECTIVE JUROR: Uh-hum.

17 THE COURT: Do you think that experience would make
18 you not be fair in this case if you were to sit as a juror?

19 THE PROSPECTIVE JUROR: No, probability THE
20 opposite.

21 THE COURT: In what sense?

22 THE PROSPECTIVE JUROR: I would want to have
23 justice.

24 THE COURT: Okay. So, would you keep an open mind
25 and listen to the evidence and render a verdict that's based

Prospective Juror No. 93

333

1 just on the evidence that's presented to you?

2 THE PROSPECTIVE JUROR: Sure.

3 THE COURT: Because you said justice, I want to make
4 sure that you will not rush to justice.

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: Just the opposite.

8 THE COURT: Excellent. Got it.

9 You indicated that you are not in favor of marijuana
10 being legal.

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Do you think -- this case involves
13 drugs, cocaine, not marijuana. Do you think your views on
14 drugs will affect your ability to be fair in this case?

15 THE PROSPECTIVE JUROR: As long as -- yeah, yeah,
16 fine.

17 THE COURT: As long as, you said?

18 THE PROSPECTIVE JUROR: It's understood that I don't
19 think the legalization of marijuana is correct.

20 THE COURT: Great. Like I said, the case involves
21 allegations of importation and distribution of cocaine.

22 THE PROSPECTIVE JUROR: Uh-hum.

23 THE COURT: That is illegal.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: The question is whether there is

Prospective Juror No. 93

334

1 anything that would make you not be fair.

2 THE PROSPECTIVE JUROR: Uh-hum.

3 THE COURT: And you would apply the law as you're
4 instructed?

5 THE PROSPECTIVE JUROR: Correct.

6 THE COURT: All right. Is there anything else that
7 you want to tell the Court that you weren't able to tell us in
8 the questionnaire?

9 THE PROSPECTIVE JUROR: No, nothing that the Court
10 doesn't already know about the joy of commuting here.

11 THE COURT: Okay. I appreciate that hardship.
12 Would it affect your ability to sit on this jury?

13 THE PROSPECTIVE JUROR: In the actual performance of
14 it, no.

15 THE COURT: Okay.

16 THE PROSPECTIVE JUROR: The coming here, very much
17 so.

18 THE COURT: I know. I know it's a large district
19 and you are traveling far.

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: So I appreciate your willingness.

22 THE PROSPECTIVE JUROR: I'm basically retired and
23 getting up at 5:30 in the morning is not something I look
24 forward to.

25 THE COURT: Thank you for your willingness to serve.

Prospective Juror No. 94

335

1 And my last question is, is there any reason you
2 could not be a fair and impartial juror?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Any questions?

5 MS. KOMATIREDDY: Just follow up, Your Honor. May I
6 ask the Court either for sidebar to do it privately?

7 THE COURT: Sure. One moment. Let me talk to the
8 lawyers.

9 THE PROSPECTIVE JUROR: Uh-hum.

10 (The following occurred at sidebar.)

11 THE COURT: Yes.

12 MS. KOMATIREDDY: The juror appeared to express some
13 negative view or disapproval of individuals who strike a plea
14 deal. The witnesses in this case will be multiple cooperating
15 witnesses. If you could please ask, Your Honor, does the fact
16 that a witness has entered into a plea deal with the
17 Government or a cooperation deal with the Government, would
18 that affect his ability to consider the witness' testimony
19 fairly and impartially just as he would have to consider
20 testimony of another witness.

21 THE COURT: Okay.

22 (End of sidebar conference.)

23 (In open court.)

24 THE COURT: I just had one follow-up question.

25 THE PROSPECTIVE JUROR: Okay.

Prospective Juror No. 94

336

1 THE COURT: You expressed that in your wife's
2 assault case that you were unhappy that there had been a plea
3 deal struck in that case. There may be witnesses in this case
4 who testify and will tell you that they entered into a plea
5 deal with the Government.

6 THE PROSPECTIVE JUROR: Uh-hum.

7 THE COURT: Would you hold that against that witness
8 or would you consider that witness' testimony just like
9 anybody else?

10 THE PROSPECTIVE JUROR: No, my concern with the plea
11 deal is that it was done at the last minute without our
12 knowledge.

13 THE COURT: Okay. So you wouldn't hold it against
14 the person --

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: -- who pled guilty?

17 Would you hold it against the Government that they
18 entered into a plea deal with somebody who is testifying?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: All right. Anything else?

21 MS. KOMATIREDDY: No. Thank you, Judge.

22 THE COURT: Thank you very much. You can go back
23 across the hall.

24 THE PROSPECTIVE JUROR: You're welcome.

25 (Prospective juror 93 exits.)

Prospective Juror No. 94

337

1 (Prospective Juror No. 94 enters.)

2 THE COURT: Juror No. 94. Good morning. How are
3 you?

4 You're Juror No. 94?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: How are you doing?

7 THE PROSPECTIVE JUROR: Good. And you?

8 THE COURT: You can put your bag down if that's more
9 comfortable for you. We had a couple of follow-up questions
10 based on the answers that you gave on the questionnaire. I'll
11 start with your childcare issue. You said that that might be
12 a hardship for you if you were to sit on this jury.

13 THE PROSPECTIVE JUROR: Yeah. I'm mainly
14 responsible for watching my siblings while my parents are at
15 work. They come on when I'm about to leave for work.

16 THE COURT: How old are your siblings?

17 THE PROSPECTIVE JUROR: Eight and thirteen.

18 THE COURT: Okay.

19 So is there anyone else that might be to take over
20 for you if you were on the jury?

21 THE PROSPECTIVE JUROR: I mean, it's a question --
22 it's a toss up. If my aunt is going to be home certain days,
23 if we can get somebody home. We don't have anyone guaranteed
24 who will always be available.

25 THE COURT: All right.

Prospective Juror No. 97

338

1 MS. KOMATIREDDY: We have no objection, Your Honor.

2 MR. DE CASTRO: We have no objection.

3 THE COURT: So, you're excused. You can go back to
4 the jury office on the second floor and let them know you have
5 been excused from this jury.

6 THE PROSPECTIVE JUROR: Thank you.

7 THE COURT: Thank you.

8 (Prospective juror 94 exits.)

9 THE COURT: So for Juror 97, what should I focus on?
10 I see the hardship.

11 MR. DE CASTRO: I have just the business trip.
12 Excuse me. And the pay issue.

13 (Prospective Juror No. 97 enters.)

14 THE COURT: Good morning, Juror No. 97, step up,
15 please.

16 How are you?

17 THE PROSPECTIVE JUROR: I'm good. How are you?

18 THE COURT: All right. You can put your coat down,
19 and you can keep your mask on or you can take it off, whatever
20 is comfortable. You indicated that you might have a business
21 trip coming up.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Can you tell us about that?

24 THE PROSPECTIVE JUROR: I work for post office and
25 so far they have scheduled some trainings for us and my name

Prospective Juror No. 97

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1 was on the list during the period -- of the trial, so I'm not
2 sure if it's going to be permanent or it's just going to be
3 like a set of people from the list and go, so that I cannot be
4 jury service.

5 THE COURT: And the dates you have here are some
6 time between March 10th and April 5?

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: I mean, there is some possibility that
9 the trial will be finished by then, but it might go longer.
10 If the trial went into that period, is there any possibility
11 of you rescheduling it?

12 THE PROSPECTIVE JUROR: I can talk to the managers
13 and see, because I mentioned that them. So far they just say
14 we have to wait for the information and then I'm kind of
15 waiting for a notice.

16 THE COURT: Right. And then you also said you
17 weren't sure if you would be paid if you were sitting on this
18 jury for eight weeks.

19 THE PROSPECTIVE JUROR: Yeah, I asked them about it
20 and they said I will be paid.

21 THE COURT: You will be paid. That's good to hear.

22 And you mentioned that you or someone you know had
23 contact with law enforcement either by being stopped,
24 prosecuted or arrested. Can you tell us about that?

25 THE PROSPECTIVE JUROR: Yes. It's a family member,

Prospective Juror No. 97

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1 my dad. Before I moved to New York, we owned a restaurant
2 business and when he hires illegal aliens for cheap labor and
3 then one day the -- I guess the -- the law enforcement came to
4 the house, arrest my dad because they charge him for -- was it
5 human trafficking? Because the law, if you're housing an
6 alien or transporting them to work, it counts as human
7 trafficking.

8 THE COURT: Right.

9 THE PROSPECTIVE JUROR: So my dad was sentenced for
10 that, but then he, under the law, he plead guilty, so they
11 kind of reduced the sentence, the punishment. I think he has
12 fines and like year to two years of the -- what was it? The
13 probation period. That was it.

14 THE COURT: All right. Okay. And, so, would the
15 experience that your father went through, that your family
16 went through, would that affect your ability to be fair and
17 impartial if you were sitting on a criminal trial like this?

18 THE PROSPECTIVE JUROR: I believe so, because I
19 believe the law is kind of -- it's not there just to punish
20 people, just telling people what's right and what's wrong,
21 that won't affect me at all.

22 THE COURT: So could you apply the law as the judge
23 in this case will instruct you and not say I think the law
24 should be something else?

25 THE PROSPECTIVE JUROR: I definitely will apply the

Prospective Juror No. 97

341

1 law.

2 THE COURT: Your hand is on the microphone.

3 THE PROSPECTIVE JUROR: Sorry.

4 THE COURT: That's all right.

5 Would you be -- do you have any feelings about the
6 way your father was treated that might affect your ability to
7 be fair to the Government in this case?

8 THE PROSPECTIVE JUROR: Honestly, I believe I won't
9 have that much....

10 THE COURT: That you don't have much what?

11 THE PROSPECTIVE JUROR: I won't have -- how do I
12 explain this? It probably would not affect me, but in my
13 point of view right is right, wrong is wrong. Since we hired
14 illegal alien, we were wrong, so I definitely will apply the
15 law.

16 THE COURT: Thank you for letting me know.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: Is there any reason that you could not
19 be fair and impartial if you were picked as a juror?

20 THE PROSPECTIVE JUROR: No, I don't believe so.

21 THE COURT: Any follow-up questions?

22 MS. KOMATIREDDY: Yes, Your Honor.

23 THE COURT: Is there a question number?

24 MS. KOMATIREDDY: There are substantive questions.

25 Would you like me to approach?

Sidebar

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1 THE COURT: Yes. Give us just a moment.

2 THE PROSPECTIVE JUROR: All right.

3 THE COURT: We will talk at sidebar.

4 (The following occurred at sidebar.)

5 MS. KOMATIREDDY: We are curious --

6 THE COURT: Keep your voice up.

7 MS. KOMATIREDDY: We are curious what agency
8 arrested his father. Homeland Security Investigations is one
9 of the case agencies in this case. We also expect testimony
10 from either individuals in -- we expect testimony from
11 individuals in the Department of Homeland Security who handle
12 immigration matters, and one of the charges in this case
13 relates to a naturalization application.

14 THE COURT: Okay.

15 MS. KOMATIREDDY: And, so, our question is, one,
16 just a factual question of what agency arrested his father,
17 but also does the fact that HSI is involved in this
18 prosecution, would that affect his ability to be fair. The
19 Government -- does he have any animus against the Government
20 or just ask specifically that would hinder his ability to hear
21 our evidence, our arguments.

22 THE COURT: You said it is DHS?

23 MS. KOMATIREDDY: It's a subset of DHS. It is a HSI
24 case agent, Homeland Security Investigations case agent. And
25 then there will be witnesses from U.S. CIS, United States

Prospective Juror No. 97

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1 Citizenship and Immigration Services.

2 THE COURT: So I will just say immigration.

3 MS. KOMATIREDDY: Sure.

4 MR. DE CASTRO: Did he say he worked for the post
5 office? I just didn't hear.

6 MS. KOMATIREDDY: He said he worked for the post
7 office.

8 THE COURT: I can clarify.

9 MR. DE CASTRO: Whether that has any effect.

10 THE COURT: It's a U.S. agency.

11 MR. DE CASTRO: I suppose.

12 THE COURT: Thank you.

13 (End of sidebar conference.)

14 (In open court.)

15 (Prospective Juror No. 97 enters.)

16 THE COURT: I just had a few follow-up questions.

17 THE PROSPECTIVE JUROR: Sure.

18 THE COURT: In your father's case, do you remember
19 or do you know the name of the agency that was involved in
20 that?

21 THE PROSPECTIVE JUROR: Honestly, I don't remember.
22 All I remember was some form ... I don't remember ... I'm
23 sorry. I don't recall. It's been years.

24 THE COURT: Could it have been the Department of
25 Homeland Security?

Prospective Juror No. 97

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1 THE PROSPECTIVE JUROR: Yeah, involved Homeland
2 Security.

3 THE COURT: Or the immigration services?

4 THE PROSPECTIVE JUROR: Yeah.

5 THE COURT: Given your father's involvement in the
6 case, in a case where you might have officers of those
7 agencies or those types of agencies testifying, would you
8 treat their testimony like any other witness or would you have
9 some bias against them?

10 THE PROSPECTIVE JUROR: I won't have any bias
11 against them. I will just treat them like a regular witness.

12 THE COURT: Okay. And then you mentioned at one
13 point -- do you work for the post office?

14 THE PROSPECTIVE JUROR: Yeah, I'm still working for
15 them right now.

16 THE COURT: Is it the U.S. Postal Service?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And that's a Government agency.

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Do you think you would tend to favor a
21 Government agency because you work for one or would you be
22 fair?

23 THE PROSPECTIVE JUROR: I will be fair.

24 THE COURT: Does that address the questions?

25 MS. KOMATIREDDY: Thank you, Your Honor.

Prospective Juror No. 97

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1 THE COURT: Great. Thank you very much. You can go
2 back across the hall.

3 THE PROSPECTIVE JUROR: All right.

4 (Prospective juror 97 exits.)

5 THE COURT: Juror 98 is not here, so it is juror 99.
6 All right.

7 (Continued on next page.)

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Prospective Juror No. 99

346

1 (Prospective Juror No. 99 enters.)

2 THE COURT: Good morning. Come up to the podium,
3 please.

4 How are you doing? Okay. You're Juror No. 99 and
5 you can put your coat down if that's better for you and you
6 can leave your mask on or take it off, whatever is
7 comfortable. We just have a couple of follow-up questions.

8 You put down that you have some hardship that would
9 prevent you from sitting on this case. Can you tell us about
10 that?

11 THE PROSPECTIVE JUROR: It's medical issues because
12 of -- I am diabetes and I have problems with my bladder.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: And this way, medication
15 which I'm taking, I have to, I feel uncomfortable, I have to
16 go often to restrooms.

17 THE COURT: Okay. During the trial, if you were a
18 juror, the judge would accommodate your needing to use the
19 bathroom. They could take several breaks if you need to. Is
20 it, you know, every hour?

21 THE PROSPECTIVE JUROR: I would be uncomfortable.

22 THE COURT: Yes, I know, I know, but could you sit
23 for a half hour, hour?

24 THE PROSPECTIVE JUROR: Usually it takes me about
25 three times, sometimes more.

Prospective Juror No. 100

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1 THE COURT: Three times --

2 THE PROSPECTIVE JUROR: An hour.

3 THE COURT: An hour? I see.

4 MR. DE CASTRO: No objection.

5 THE COURT: That's fine. So three times an hour you
6 need to use the bathroom.

7 MS. KOMATIREDDY: No objection, Your Honor.

8 MR. DE CASTRO: No objection.

9 THE COURT: So thank you for letting us know.
10 You're excused.

11 THE PROSPECTIVE JUROR: Thank you.

12 THE COURT: Go down to the second floor and let them
13 know you're excused.

14 THE PROSPECTIVE JUROR: Thank you.

15 (Prospective Juror No. 99 excused.)

16 So for Juror 100, what should I focus on?

17 MR. DE CASTRO: We have 35, 44, 50, 56 and 61.

18 MS. KOMATIREDDY: I concur with those as well,
19 Your Honor.

20 THE COURT: Okay.

21 (Prospective Juror No. 100 enters.)

22 THE COURT: Good morning, Juror No. 100. Step right
23 up, please. How are you doing?

24 THE PROSPECTIVE JUROR: Good morning.

25 THE COURT: We just had a few follow-up questions --

Prospective Juror No. 100

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1 THE PROSPECTIVE JUROR: Sure.

2 THE COURT: -- based on the answers that you gave.

3 So I'll start with the answer you gave when you were
4 asked about law enforcement as witnesses and you said that law
5 enforcement professionals have a higher standing and
6 expertise.

7 THE PROSPECTIVE JUROR: Yes. I feel that -- I know
8 mechanics and I know transportation and stuff like that.
9 That's not my expertise. Law enforcement, they're trained.
10 That's their profession. I feel that their opinion and
11 finding should have a higher degree of weight than somebody
12 like me.

13 THE COURT: But they wouldn't have a higher degree
14 of expertise in mechanics, for example?

15 THE PROSPECTIVE JUROR: Right.

16 THE COURT: You would have that.

17 THE PROSPECTIVE JUROR: Yes, exactly.

18 THE COURT: So do you think they have a higher
19 degree of honesty than regular people?

20 THE PROSPECTIVE JUROR: Honesty? No.

21 THE COURT: So if they weren't asked to speak about
22 something that they had expertise in, you would judge them
23 like anyone else?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And when you talk about expertise, is

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1 there something you have in mind that they know better than
2 other people?

3 THE PROSPECTIVE JUROR: Well, just, I guess, lack of
4 better words, mechanics of investigating, technical
5 investigating and following through to I guess bringing a
6 defendant to trial.

7 THE COURT: And would you assume that they knew what
8 they were doing or would you wait to hear them actually talk
9 about it?

10 THE PROSPECTIVE JUROR: I would probably assume they
11 would know what they were doing, yes.

12 THE COURT: Okay. So I see here also that you have
13 some family members who are NYPD and also your father, you
14 said, is with the Department of Homeland Security.

15 THE PROSPECTIVE JUROR: Retired, yes.

16 THE COURT: Retired. So the fact that you have law
17 enforcement ties, would that affect your ability to be fair?

18 THE PROSPECTIVE JUROR: No, it would not.

19 THE COURT: But is that where you developed this
20 idea that law enforcement has expertise?

21 THE PROSPECTIVE JUROR: Likely, yes.

22 THE COURT: So you also said that the authorities
23 should do what they should, what's necessary to punish people
24 who bring drugs to the United States.

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Would you be inclined to vote in favor
2 of the government based on that or would you have an open mind
3 and be fair to both the defendant and the prosecution?

4 THE PROSPECTIVE JUROR: I would try to have an open
5 mind first, yes.

6 THE COURT: Do you think you would be successful?

7 THE PROSPECTIVE JUROR: I think so, yes. It's
8 something I think that certainly needs to be pursued but, yes,
9 I would have an open mind.

10 THE COURT: Okay. So I -- is there any reason that
11 you would not be fair if you were picked as a juror in this
12 case?

13 THE PROSPECTIVE JUROR: No, I don't believe so.

14 THE COURT: Are there any follow-up questions?

15 MR. DE CASTRO: One second, Your Honor.

16 MS. KOMATIREDDY: Your Honor, we would just ask that
17 you reask 59.

18 THE COURT: Okay. So you were asked about the
19 presumption of innocence, that every person is presumed
20 innocent until or unless proven guilty beyond a reasonable
21 doubt. That means that the government has the burden of proof
22 at all times.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Defendant does not have to prove
25 anything. Are you able to accept that that's the case?

Prospective Juror No. 100

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1 THE PROSPECTIVE JUROR: Honestly, I don't know.

2 THE COURT: All right.

3 THE PROSPECTIVE JUROR: It's tough to say because
4 there's so much -- it just, I guess, in sort of like modern
5 society like the media and everything else, especially the way
6 things are tilted, you always assume things like guilty beyond
7 innocence. We have a thing too where somebody gets charged at
8 work for violating something at work, they would say, well,
9 you're guilty, you have to prove yourself innocent.
10 Unfortunately, I think we're tainted that way a lot.

11 THE COURT: Right. Right. Well, I understand what
12 you're saying. In the court --

13 THE PROSPECTIVE JUROR: Right.

14 THE COURT: -- we try very hard to make sure that
15 people are presumed innocent.

16 THE PROSPECTIVE JUROR: Yes. I understand, yes,
17 hope so.

18 THE COURT: At the beginning before any evidence has
19 been presented, the person is presumed innocent.

20 THE PROSPECTIVE JUROR: Yes, I would hope so.

21 THE COURT: And as evidence comes in, you may or may
22 not decide that that has changed and so the question is the
23 starting point --

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: -- of innocence. Are you able to accept

Prospective Juror No. 100

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1 that?

2 THE PROSPECTIVE JUROR: Yes, everybody is innocent
3 coming in.

4 THE COURT: Yes. Okay. And then you can't find
5 that somebody's guilty unless you find that the government has
6 proven beyond a reasonable doubt that the person is guilty.

7 THE PROSPECTIVE JUROR: Beyond reasonable doubt,
8 yes, I accept that.

9 THE COURT: Can you accept that?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: And do you think you can apply that
12 standard?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: The Judge will instruct you on what it
15 means.

16 THE PROSPECTIVE JUROR: Right.

17 THE COURT: I just want to make sure that you
18 understand.

19 Did you have any questions to follow up?

20 MR. DE CASTRO: No, no, Judge.

21 THE COURT: All right. Great. Thank you very much.

22 THE PROSPECTIVE JUROR: Have a good day.

23 THE COURT: Was there any reason that you could not
24 be fair?

25 THE PROSPECTIVE JUROR: No, no, Your Honor.

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1 THE COURT: Great. So you can go back across the
2 hall.

3 THE PROSPECTIVE JUROR: Have a wonderful day.

4 MR. DE CASTRO: I do have one thing to raise.

5 THE COURT: Okay.

6 (Prospective Juror No. 100 exits.)

7 THE COURT: Go ahead.

8 MR. DE CASTRO: Judge, this is a difficult one for
9 me. I'm not really sure. I mean, I think he's a cause. The
10 answer that "I assume that law enforcement knows what they're
11 doing" I think just makes him a cause, makes him a cause
12 strike.

13 THE COURT: Yes. I tried to explore what he meant
14 by that. I know he said from an honesty perspective, he would
15 be fair. I was hoping to get a little guidance from the
16 parties as to what kind of expertise might law enforcement may
17 be called on to testify to. So I'll hear from the government
18 on this issue.

19 MS. KOMATIREDDY: Sure, Your Honor. First, with
20 respect to the assumption, that's why I asked for the
21 follow-up of 59. I wanted to make sure he could still apply
22 the standard of a presumption of innocence and I think
23 Your Honor made it clear that he could. So I think our, the
24 only lack of clarity in my mind was whether there was an
25 assumption of guilt coming in and he made it clear that's

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1 not --

2 THE COURT: I don't think that's the issue.

3 MS. KOMATIREDDY: Okay.

4 THE COURT: The issue is what he said when I asked
5 about law enforcement and he said very clearly, "I believe
6 they have expertise, I believe they know what they're doing."

7 MS. KOMATIREDDY: I understand. We won't be calling
8 any law enforcement witness, expert to opine on the
9 defendant's guilt.

10 THE COURT: Well, no, no. Okay. Let me back up.

11 If they're being called as an expert, of course you
12 can assess their expertise.

13 MS. KOMATIREDDY: Right.

14 THE COURT: The issue is whether he would assume, in
15 his words, "they know what they're doing." And so if they're
16 being asked any questions where their expertise is not being
17 directly addressed and, therefore, talked about, but there's
18 some way in which people, someone like him would assume, as he
19 said, that the person knew, the law enforcement officer knew
20 what he was doing, that that would affect, that would be an
21 improper way of assessing that witness' testimony.

22 So can you think of what the law enforcement
23 officers will be testifying to and that might help assess
24 whether what he just said would be a problem?

25 MS. KOMATIREDDY: Yes, Your Honor. I may be a

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1 little confused but I'll give you as much as I can as far as
2 the topic that you're asking about.

3 Law enforcement officers will be testifying as to
4 their observations. They will be fact witnesses in this case.
5 And so I don't think it's a matter of an inference about
6 whether someone is good at what they're doing or not. It's
7 more about -- it's fact testimony. It's what they saw, what
8 they didn't see, what they heard, what they didn't hear. As
9 long as he can weigh that, and he said he would think of fact
10 testimony and honesty in the same way he would with any other
11 witness, I think he's fine.

12 THE COURT: All right.

13 MR. DE CASTRO: Well, two things, Judge. I mean the
14 expert piece which is, of course, the juror would be
15 instructed on the expert issue but going in, I assume
16 everything the expert says, okay, but putting that aside, this
17 table is also law enforcement. So if this juror is going to
18 potentially believe, I assume, yes, these fact witnesses,
19 well, they know what they're doing, their operational
20 decisions make sense, their decisions to go after X target or
21 to do X, Y and Z, the government's decisions to enter into
22 agreements with particular witnesses, I assume they know what
23 they're doing and it's the right thing to do.

24 I think that is a cause challenge.

25 THE COURT: Can you think of any questions that I

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1 should ask to flesh this out?

2 MR. DE CASTRO: I mean my view is you tried. You
3 tried several times. I don't know what else you could ask.
4 You asked it several times different ways and he just --
5 again, I have no problem with him saying, I don't take honesty
6 at issue, people can be honest or dishonest. I just assume
7 that what they do, they know what they're doing, I will just
8 accept that without, and that's the concern. I don't know
9 what else you could ask. You could ask it again.

10 MS. KOMATIREDDY: I think Your Honor can ask exactly
11 this question which wasn't asked which is: Understanding that
12 the government, the law enforcement officials on the
13 prosecution team have brought this prosecution. Will you
14 assume -- you said that you assumed that they generally knew
15 what they were doing. Would you assume they were correct in
16 the case, will you apply the presumption of innocence and
17 understand everyone is presumed innocent unless and until
18 proven guilty beyond a reasonable doubt and not apply any
19 default assumptions.

20 MR. DE CASTRO: I don't have any problem with that
21 except for the compound situation where it's like mixing the
22 different questions. I'd start --

23 MS. KOMATIREDDY: The Judge is better at phrasing it
24 than I am.

25 THE COURT: Please don't interrupt.

Prospective Juror No. 101

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1 So what is your suggestion?

2 MR. DE CASTRO: I just mean not pumping in the
3 presumption of innocence piece, like mixing it in, then I
4 think we're going to be here for another ten minutes with him.
5 So maybe we can do each one separate is my thought. I don't
6 have any problems.

7 THE COURT: Okay. So what I'll ask is: You said
8 that you would assume law enforcement knows what they're
9 doing. The prosecution and agencies who have brought the case
10 here have brought the case. Would you assume that they know
11 what they are doing and, therefore, that the person must be
12 guilty because they brought the case. Something along those
13 lines?

14 MR. DE CASTRO: That sounds fine.

15 THE COURT: Okay. So if Juror 100 is still there,
16 let's have him brought in. Otherwise --

17 THE CLERK: 101 is here. I can get 100 next.

18 THE COURT: So let's do 101 because 101 is available
19 and then we can recall 100.

20 (Prospective Juror No. 101 enters.)

21 MR. DE CASTRO: Judge, we only have 44 on this one.

22 THE COURT: All right. Juror No. 101, you can come
23 to the podium up here. How are you?

24 THE PROSPECTIVE JUROR: Good. How are you?

25 THE COURT: Good. Thank you. I just had a few

Prospective Juror No. 101

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1 follow-up questions --

2 THE PROSPECTIVE JUROR: Okay.

3 THE COURT: -- based on the questionnaire answers
4 you gave.

5 You mentioned that you have an uncle who's NYPD and
6 an aunt who is an FBI agent.

7 THE PROSPECTIVE JUROR: Correct, yes.

8 THE COURT: So the fact that you have these law
9 enforcement members of the family, do you think that would
10 affect your ability to be fair in this case that is a criminal
11 case?

12 THE PROSPECTIVE JUROR: It shouldn't. No. No.

13 THE COURT: So if there were a witness who was
14 testifying who was law enforcement --

15 THE PROSPECTIVE JUROR: Right.

16 THE COURT: -- would you think just because the
17 person is law enforcement, that they're telling the truth, or
18 would you judge them just like any other witness?

19 THE PROSPECTIVE JUROR: I'll judge them like any,
20 like any other witness.

21 THE COURT: Okay. Great. And you mentioned that
22 you've been stopped in traffic situations by law enforcement.

23 THE PROSPECTIVE JUROR: Yes, correct.

24 THE COURT: Would any of those interactions affect
25 your ability to be fair in this case?

CMH

OCR

RDR

FCRR

Prospective Juror No. 101

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1 THE PROSPECTIVE JUROR: No.

2 THE COURT: No? Okay. Is there anything that you
3 haven't told or had the opportunity to tell the court that you
4 want to let us know in terms of your ability to be a juror?

5 THE PROSPECTIVE JUROR: No. I think everything,
6 everything I put on the questionnaire.

7 MR. DE CASTRO: 71, please.

8 THE COURT: Okay. And did you -- in terms of your
9 salary, you said you don't think you'll get paid if you're
10 sitting on the jury.

11 THE PROSPECTIVE JUROR: Yeah, I won't. I won't.

12 THE COURT: Is that going to be a problem for you?

13 THE PROSPECTIVE JUROR: It depends on how long the
14 case will go on for.

15 THE COURT: Well, the case is anticipated to go on
16 for about eight weeks.

17 THE PROSPECTIVE JUROR: Eight weeks? Okay. So
18 about two months?

19 THE COURT: About two months.

20 THE PROSPECTIVE JUROR: It shouldn't, it shouldn't,
21 but I'm not, I'm not entirely sure.

22 THE COURT: Okay. Well, you know, the jurors get
23 paid a jury fee.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: But I don't know how much you're making

Prospective Juror No. 101

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1 otherwise. So if you're -- are you working -- if you were
2 sitting on the jury, would you not be able to work? You have
3 here that you're self-employed.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: So it's a little bit hard to say.

6 THE PROSPECTIVE JUROR: So I wouldn't be able to
7 work if I'm here.

8 THE COURT: But you say here you're an options
9 trader. Is that something you would be doing at night?

10 THE PROSPECTIVE JUROR: No, this is daytime.

11 THE COURT: Daytime?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: So I just want to make sure that if
14 you're sitting on this eight-week jury, that you can focus --

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: -- on what's happening rather than be
17 worried about money.

18 THE PROSPECTIVE JUROR: Right.

19 THE COURT: Can you focus on the trial and be
20 present?

21 THE PROSPECTIVE JUROR: Yeah, I, I should be able
22 to, I should be able to.

23 THE COURT: Okay. Do you have any doubts about
24 that?

25 THE PROSPECTIVE JUROR: Any doubts? Again, I

Prospective Juror No. 100

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1 mean --

2 THE COURT: You never know until you're there.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: But everybody wants to make sure that
5 people who are here, that the parties have your full
6 attention.

7 THE PROSPECTIVE JUROR: Right. Yes.

8 THE COURT: Will they have your full attention?

9 THE PROSPECTIVE JUROR: Yes, if I'm here, yes, they
10 would.

11 THE COURT: Great. Is there any reason you could
12 not be a fair and impartial juror?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Great. Any follow-up questions?

15 MR. DE CASTRO: No, Your Honor.

16 MS. KOMATIREDDY: No. Thank you.

17 THE COURT: Thank you so much. You can go back
18 across the hall.

19 (Prospective Juror No. 101 exits.)

20 THE COURT: So let's have Juror 100 back.

21 Juror 100.

22 (Prospective Juror No. 100 enters.)

23 THE COURT: Sorry to bring you back. We just had a
24 follow-up question.

25 THE PROSPECTIVE JUROR: Sure.

Prospective Juror No. 100

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1 THE COURT: So I wanted to ask you a little bit more
2 about the statement you made that you would assume that law
3 enforcement knows what they're doing.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: So the prosecutors here brought the case
6 based on an investigation by law enforcement. They themselves
7 are considered law enforcement. There will be people
8 testifying about their background as law enforcement officers.
9 So I wanted to know since they brought the case, whether you
10 would assume they knew what they were doing by bringing the
11 case and whether, notwithstanding what we discussed about the
12 presumption of innocence --

13 THE PROSPECTIVE JUROR: Right.

14 THE COURT: -- that you would assume that somebody
15 was guilty because the case was brought after the law
16 enforcement officers looked at the case and made an
17 assessment.

18 THE PROSPECTIVE JUROR: I'm not sure, really, how to
19 sort of answer that, I guess, fairly because, like I said,
20 this is their profession, this is what they put their life's
21 work into and, like, they wouldn't have brought a defendant
22 forward if they didn't really believe that that defendant
23 committed whatever they're being charged with. So it's almost
24 like -- it's like true, in their professional opinion, you
25 would say, almost like a doctor, in my opinion. A doctor goes

Prospective Juror No. 100

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1 through years of schooling and even, you know, for somebody in
2 a position as yourself, you don't get there just by waking up
3 one morning and saying I'm going to do this.

4 So for these people to do this and to be sure that
5 this particular person is guilty, is committing whatever
6 crimes they are, there's a good chance they did.

7 THE COURT: Okay. All right. And there are
8 different standards.

9 THE PROSPECTIVE JUROR: Right.

10 THE COURT: So the standard for bringing a case is
11 probable case, it probably happened. In order to convict, you
12 would have to find beyond a reasonable doubt.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And so there is a difference and the
15 concern is whether you would say, well, because they're
16 professionals, they do this all the time, they're working in
17 good faith, that if they brought the charges, just because the
18 person they believe --

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: -- the person is probably guilty, I'm
21 going to defer to their judgment and then kind of go along
22 with them --

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: -- and find the person guilty. That
25 would be the concern. Or whether you could --

Prospective Juror No. 100

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1 THE PROSPECTIVE JUROR: Understood. And I don't
2 know how to assuage the attorneys that wouldn't happen. You
3 know? It's -- I never -- I'll be honest with you, I never sat
4 on a jury before, and I understand the premise behind it but
5 without doing -- I don't know. I don't know how to answer
6 that.

7 THE COURT: And maybe the question, like I said, the
8 concern would be if you went along with what they said --

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: -- or whether you could have exercise
11 independent critical judgment to say I don't know.

12 THE PROSPECTIVE JUROR: Yes, I would listen to both
13 sides, of course, yes. I would listen to both arguments.

14 THE COURT: Okay. And would you be able to say --

15 THE PROSPECTIVE JUROR: If the defendant's argument
16 is more convincing, then yes.

17 THE COURT: But the defendant doesn't have a burden
18 of proof.

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: So the defendant could just have no
21 argument and just sit there and say nothing and yet the
22 government could still fail in its burden of proof.

23 THE PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: And the question is whether you would be
25 able to do that or whether you would say, come on, defendant,

Prospective Juror No. 100

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1 how come you haven't said anything.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: That would be a problem.

4 THE PROSPECTIVE JUROR: I don't know. I don't know.
5 I'm sorry.

6 THE COURT: No, that's fine. We want you to be as
7 open with us as possible.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: So do you think you would be able to say
10 that it's the government's burden of proof?

11 THE PROSPECTIVE JUROR: I might not be able to say
12 that wholly. I apologize.

13 THE COURT: That's fine. So you think that you
14 might put the burden on the defendant --

15 THE PROSPECTIVE JUROR: Possibly, yes.

16 THE COURT: -- to do things?

17 All right. So any follow-up?

18 All right. So based on that, you're excused.

19 THE PROSPECTIVE JUROR: Thank you. I'm sorry.

20 THE COURT: Thank you very much. I appreciate your
21 candor. I know it's difficult.

22 THE PROSPECTIVE JUROR: Have a great day. Take
23 care.

24 THE COURT: Thank you.

25 (Prospective Juror No. 100 excused.)

Prospective Juror No. 102

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1 MS. KOMATIREDDY: Thank you for the follow-up
2 question, Your Honor.

3 THE COURT: Okay.
4 Juror 102.

5 MR. DE CASTRO: We have 58, 60, 61 and 62.

6 THE COURT: Okay.

7 MS. KOMATIREDDY: Same here, Your Honor.

8 THE COURT: Okay. And I think we have the same
9 possible confusion with the burden of proof on 59 so I'll ask
10 about that as well. Juror 102.

11 (Prospective Juror No. 102 enters.)

12 THE COURT: Hi, Juror No. 102. Step right up,
13 please.

14 How are you doing?

15 THE PROSPECTIVE JUROR: I'm fine, thank you, ma'am.

16 THE COURT: Good. We have a couple of follow-up
17 questions based on your questionnaire answers.

18 THE PROSPECTIVE JUROR: Okay.

19 THE COURT: So I'll start with the answer you gave
20 with regard to a law enforcement officer and I couldn't quite
21 figure out what you were, what your answer was that you wrote
22 down. The question was that there would be several witnesses
23 who are law enforcement officers and would you judge their
24 testimony the same way as you would anyone else. Can you tell
25 us?

Prospective Juror No. 102

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1 THE PROSPECTIVE JUROR: I think what I tried to say
2 was that law enforcement has more insight than, say, a
3 civilian. So and they would have more, I guess, answers to
4 the questions. So I think that was my answer.

5 THE COURT: I see. Okay. And do you -- would you
6 judge their honesty the same way as anyone else or would you
7 tend to believe them more?

8 THE PROSPECTIVE JUROR: I think you hold them to a
9 higher standard --

10 THE COURT: Okay.

11 THE PROSPECTIVE JUROR: -- because they're police
12 officers.

13 THE COURT: So you would --

14 THE PROSPECTIVE JUROR: -- hold them to a higher
15 standard, yes.

16 THE COURT: So you would tend to not believe them
17 or believe them?

18 THE PROSPECTIVE JUROR: No, I would believe them.

19 THE COURT: I see. Okay.

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: So you might tend to believe them more
22 than someone else?

23 THE PROSPECTIVE JUROR: Probably, yes.

24 THE COURT: Okay. And you also said in answer to
25 the question about the defendant does not need to testify or

Prospective Juror No. 102

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1 present any evidence and you said follow the evidence. So I
2 wasn't sure what you meant by that.

3 THE PROSPECTIVE JUROR: So he doesn't have to defend
4 himself. He doesn't have to show any proof.

5 THE COURT: No, the burden of proof is on the
6 government.

7 THE PROSPECTIVE JUROR: Right.

8 THE COURT: Everybody is presumed innocent.

9 THE PROSPECTIVE JUROR: Right.

10 THE COURT: Okay? And then the only time that you
11 can be found guilty is if the government presents enough proof
12 to prove beyond a reasonable doubt that you are guilty. So in
13 that process, you don't have to say anything, you just, you
14 can wait for the government to present its proof and then say
15 that's not enough.

16 THE PROSPECTIVE JUROR: Right. Okay.

17 THE COURT: Or you can also, if you want to, present
18 evidence but you don't have to.

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: So that is the concept.

21 THE PROSPECTIVE JUROR: Innocent until proven
22 guilty.

23 THE COURT: Correct. But also that you don't have
24 to prove yourself innocent.

25 THE PROSPECTIVE JUROR: Right.

Prospective Juror No. 102

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1 THE COURT: Right? So sometimes people will think
2 if you don't testify, you must be guilty. You're not allowed
3 to do that.

4 THE PROSPECTIVE JUROR: Right.

5 THE COURT: You're allowed to just sit there and say
6 nothing. You're allowed to sit there with your arms folded
7 and not do anything. If the government has proven its case,
8 then you can find the defendant not -- if the government has
9 proven its case, you can find the person guilty, but if the
10 government hasn't proven its case, then --

11 THE PROSPECTIVE JUROR: Right.

12 THE COURT: -- you would have to find not guilty.

13 THE PROSPECTIVE JUROR: I understand, right.

14 THE COURT: So could you follow that? I wasn't sure
15 based on your answer.

16 THE PROSPECTIVE JUROR: Sure. Yes.

17 THE COURT: You wouldn't hold it against somebody if
18 he didn't testify?

19 THE PROSPECTIVE JUROR: No. No.

20 THE COURT: I also see in response to a question
21 about witnesses who might be testifying because they're
22 cooperating with the government --

23 THE PROSPECTIVE JUROR: Right.

24 THE COURT: -- you put down "dirty," and so I wasn't
25 sure what you meant.

Prospective Juror No. 102

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1 THE PROSPECTIVE JUROR: Plea bargaining, reduced
2 sentence, I think that's what they're doing. I mean that's my
3 opinion, of course.

4 THE COURT: Right. And that does happen and so do
5 you think if somebody is testifying pursuant to a plea
6 agreement, that you would have problems?

7 THE PROSPECTIVE JUROR: Not really. I mean
8 self-defense, I guess. Everyone, you know, like you said,
9 innocent until proven guilty.

10 THE COURT: Right. Well, in those cases, somebody
11 would admit their guilt and then enter into an agreement with
12 the government and provide testimony.

13 THE PROSPECTIVE JUROR: Got you. Right.

14 THE COURT: So then the person would come and
15 testify and say certain things and it will also be part of
16 their testimony that they had an agreement with the government
17 to help the government and in exchange, the government would
18 give them a reduced sentence or some other things.

19 So the question is would you have a problem. You
20 can take it into account --

21 THE PROSPECTIVE JUROR: No, not really, I wouldn't,
22 no.

23 THE COURT: So you wouldn't have a problem?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: And you would assess the cooperating

Prospective Juror No. 102

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1 witness just like anyone else?

2 THE PROSPECTIVE JUROR: Yes. Yes.

3 THE COURT: Okay. Let me just see.

4 You mentioned that your brother-in-law has had some
5 drug use issues?

6 THE PROSPECTIVE JUROR: Incarcerated for half his
7 life, actually.

8 THE COURT: And so this case involves allegations of
9 drug trafficking.

10 THE PROSPECTIVE JUROR: Right.

11 THE COURT: Do you think you could be fair in
12 assessing this case?

13 THE PROSPECTIVE JUROR: Of course. Of course. It's
14 drug use. Like anything else, I guess, I wouldn't judge
15 anyone because of that.

16 THE COURT: It's a case that involves drug
17 trafficking.

18 THE PROSPECTIVE JUROR: Right.

19 THE COURT: So I just want to make sure that you
20 don't have -- the fact that your brother-in-law had these drug
21 use issues that affected his life, that it would affect your
22 view of whether somebody is guilty or not of drug trafficking.
23 Right?

24 THE PROSPECTIVE JUROR: Right. He was a user, not a
25 trafficker. So ...

Prospective Juror No. 102

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1 THE COURT: Okay. So you don't think his drug use
2 would be a problem?

3 THE PROSPECTIVE JUROR: Not really, no.

4 THE COURT: Okay. That's fine.

5 Were there any questions I missed?

6 MS. KOMATIREDDY: 43, Your Honor.

7 THE COURT: All right. You also indicated that you
8 had been incarcerated at one point because you had a gun in
9 your home.

10 THE PROSPECTIVE JUROR: My brother.

11 THE COURT: Your brother?

12 THE PROSPECTIVE JUROR: My brother. Sorry.

13 THE COURT: That's okay. I misread it. Is that the
14 same brother?

15 THE PROSPECTIVE JUROR: No. This is my actual
16 brother.

17 THE COURT: Okay.

18 THE PROSPECTIVE JUROR: The other one --

19 THE COURT: Oh, the other one was a brother-in-law.

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: Sorry. So the fact that your brother
22 had been incarcerated and accused of a crime, would that
23 affect your ability to be fair?

24 THE PROSPECTIVE JUROR: No. No.

25 THE COURT: But was he convicted in that case?

Prospective Juror No. 102

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1 THE PROSPECTIVE JUROR: No. He did, I think, like
2 four or five months and then he was released.

3 THE COURT: Oh, okay.

4 THE PROSPECTIVE JUROR: I guess responsibility, I
5 guess. He had a license.

6 THE COURT: It's hard to tell.

7 THE PROSPECTIVE JUROR: Right.

8 THE COURT: But do you have any feelings about the
9 way your brother was treated that would affect your ability to
10 be fair?

11 THE PROSPECTIVE JUROR: No, not at all.

12 THE COURT: Okay.

13 MS. KOMATIREDDY: Your Honor, we would also just ask
14 if you could reask number 61.

15 THE COURT: Okay. So let me ask you about your view
16 on law enforcement. So law enforcement includes police and
17 FBI and government agencies who are investigating. It also
18 includes lawyers would work, you know, as part of law
19 enforcement like prosecutors.

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: And so you said that you thought they
22 had expertise and more insight and more answers to questions.
23 Would the fact that they've made a decision in this case to
24 bring charges against an individual, would you give deference
25 to that or would you just say, all right, they believe that

Prospective Juror No. 102

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1 there's a case but I'm going to make a judgment independently
2 of the fact that they brought the case?

3 THE PROSPECTIVE JUROR: I would just follow the
4 proof.

5 THE COURT: All right.

6 THE PROSPECTIVE JUROR: And I'm sure they clocked in
7 many hours of what they do. I was in the Army for 12 years
8 so.

9 THE COURT: Oh, okay.

10 THE PROSPECTIVE JUROR: So more or less, I was a
11 police officer.

12 THE COURT: You were a police officer, you said?

13 THE PROSPECTIVE JUROR: MP.

14 THE COURT: Okay. MP. So what -- you started to
15 say, and therefore --

16 THE PROSPECTIVE JUROR: Yeah, you just got to follow
17 the leads and --

18 THE COURT: Right.

19 THE PROSPECTIVE JUROR: -- and catch them in the
20 act.

21 THE COURT: Right. And in this case, it's a little
22 bit different because you're a juror.

23 THE PROSPECTIVE JUROR: Right.

24 THE COURT: You're not police.

25 THE PROSPECTIVE JUROR: No, I'm not judging.

Prospective Juror No. 102

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1 THE COURT: But you will be judging --

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: -- at some point when you hear the
4 evidence.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: And so even though the investigators are
7 following the proof and they reached a point where they're in
8 the courtroom, you as the juror need to look at it fresh.

9 THE PROSPECTIVE JUROR: Right. Okay.

10 THE COURT: You need to look at just what they
11 present to you because at the end of the day, if they don't
12 proof, give you enough, you, as the juror, enough proof to
13 convince you that they have a case beyond a reasonable doubt,
14 then you should not find them guilty even if the law
15 enforcement thinks the person's guilty.

16 THE PROSPECTIVE JUROR: Right. Right.

17 THE COURT: Can you do that?

18 THE PROSPECTIVE JUROR: Yes. Yes.

19 THE COURT: So you would be looking at the case with
20 fresh eyes?

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: And not rely on the fact that law
23 enforcement said that they would bring the case?

24 THE PROSPECTIVE JUROR: Keep an open mind, correct.

25 THE COURT: Yes. Can you do that?

Prospective Juror No. 102

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: And be fair to both sides?

3 THE PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Okay. And presume the person is
5 innocent?

6 THE PROSPECTIVE JUROR: Until proven guilty,
7 correct.

8 THE COURT: Until or unless, right? They may not be
9 proven guilty.

10 THE PROSPECTIVE JUROR: Right.

11 THE COURT: Would you be able to render a verdict of
12 not guilty if you felt there was not enough proof?

13 THE PROSPECTIVE JUROR: Yes. I don't have a problem
14 with that.

15 THE COURT: All right. Thank you very much. You
16 can go back across the hall.

17 THE PROSPECTIVE JUROR: Thank you.

18 (Prospective Juror No. 102 exits.)

19 THE COURT: I'm getting a little bit better at
20 asking that question.

21 All right. So Juror No. 103.

22 MS. KOMATIREDDY: I will say, Your Honor, I think
23 we're going at a good pace. We do appreciate the questions.

24 THE COURT: Yes.

25 MR. DE CASTRO: We have 35, 44 and 47 for 103.

Prospective Juror No. 103

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1 THE COURT: Okay.

2 (Prospective Juror No. 103 enters.)

3 THE COURT: Hi, Juror No. 103. Step up to the
4 podium. How are you doing?

5 THE PROSPECTIVE JUROR: Good.

6 THE COURT: We had a few follow-up questions for
7 you. You indicated on the questionnaire that you had applied
8 for the Department of Homeland Security --

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: -- at some point and also the Police
11 Department and Port Authority police.

12 So the fact that you're interested in joining law
13 enforcement, do you think that would affect your ability to be
14 fair in a criminal case that involved law enforcement?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: So if a law enforcement witness were
17 testifying, would you believe that person just because they're
18 law enforcement?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Or judge them like everybody else?

21 THE PROSPECTIVE JUROR: Like everyone else.

22 THE COURT: Okay. You, and the fact that you -- it
23 says, I'm sorry to bring it up, that you were not accepted at
24 law enforcement, your application, and also that you withdrew
25 some of your applications.

Prospective Juror No. 103

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Would that -- do you have any hard
3 feelings about law enforcement as a result?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Okay. You also mentioned that a friend
6 is a paralegal, a close friend?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Do you ever talk about law with that
9 friend?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Okay. If Judge Cogan instructed you as
12 to what the law is, would you follow that law or think
13 somebody else said the law is something else?

14 THE PROSPECTIVE JUROR: No, I'd follow it.

15 THE COURT: Great. Was there anything that we
16 didn't ask you on the questionnaire that you think the court
17 should know in terms of your jury service?

18 THE PROSPECTIVE JUROR: No.

19 MS. KOMATIREDDY: Number 20, Your Honor, please.

20 THE COURT: 20? What field -- are you a paralegal?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Great. So you're working with
23 lawyers all the time?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And I'll just ask the question again.

Prospective Juror No. 103

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1 If Judge Cogan told you this is what the law is,
2 would you be able to follow it or would you say that's not
3 what the lawyers that I work with tell me?

4 THE PROSPECTIVE JUROR: I'd be able to follow it.

5 THE COURT: You would follow what the judge says?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. And then as far as whether you
8 are going to get paid while you're on jury duty, the jury duty
9 is likely to be eight weeks long.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: Have you checked with your employer to
12 see if you would get paid?

13 THE PROSPECTIVE JUROR: I have not.

14 THE COURT: Can you find out?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: All right. Because you said you don't
17 know and so if there's a way, maybe during one of our breaks
18 today, just call them and say, Listen, this trial may be eight
19 weeks, the court wants to know if I would get paid for that
20 time?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Is there any reason you could not be
23 fair and impartial if you're picked as a juror?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Any questions?

Prospective Juror No. 107

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1 MR. DE CASTRO: Can we just ask what type of work
2 the firm she works for does?

3 THE COURT: Oh, yes. What kind of law firm --

4 THE PROSPECTIVE JUROR: Mostly landlord/tenant, real
5 estate. That's about it.

6 THE COURT: Great. Thanks very much. You can go
7 across the hall.

8 THE PROSPECTIVE JUROR: Thank you.

9 (Prospective Juror No. 103 exits.)

10 THE COURT: Juror 107. What questions?

11 MR. DE CASTRO: We have 3, 37 and 41.

12 MS. KOMATIREDDY: Same here, Your Honor.

13 THE COURT: Okay. And then also 71.

14 Okay. 107.

15 (Prospective Juror 107 enters.)

16 THE COURT: Hello. How are you doing?

17 THE PROSPECTIVE JUROR: Fine.

18 THE COURT: Can you come up to the podium? And you
19 can put your coat down if you want.

20 THE PROSPECTIVE JUROR: Okay.

21 THE COURT: All right. We have a few questions for
22 you based on the answers you gave.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: All right. So you said that you have
25 some concerns about your English ability?

Prospective Juror No. 107

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Can you tell us have you -- do you
3 understand what people are talking to you?

4 THE PROSPECTIVE JUROR: I can communicate,
5 conversation, but real deep like about this, that
6 questionnaire, I don't quite understand and so I try my
7 best --

8 THE COURT: Yes.

9 THE PROSPECTIVE JUROR: -- to answer all the
10 question, but I don't think that English is not good enough to
11 be a good juror.

12 THE COURT: Right. Well, the -- you work in sales,
13 it says, right?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you work in English?

16 THE PROSPECTIVE JUROR: Most like customers are
17 Chinese.

18 THE COURT: What kind of store is it or what kind of
19 sales?

20 THE PROSPECTIVE JUROR: Like life insurance.

21 THE COURT: Okay. And how long have you been -- it
22 says here that you were raised in Taiwan.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: How long have you been in the United
25 States?

Prospective Juror No. 107

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1 THE PROSPECTIVE JUROR: Forty years.

2 THE COURT: Fourteen?

3 THE PROSPECTIVE JUROR: Forty.

4 THE COURT: Forty? Okay. That's a long time.

5 THE PROSPECTIVE JUROR: It is.

6 THE COURT: Your English sounds good.

7 THE PROSPECTIVE JUROR: That's why I say I can talk,
8 communication, but reading a lot of words, the questionnaire,
9 you know, I don't quite understand.

10 THE COURT: Right. Okay. And did you have any
11 questions on the, about the questionnaire that you were not
12 able to understand?

13 THE PROSPECTIVE JUROR: A lot of it I don't quite
14 understand.

15 THE COURT: No?

16 THE PROSPECTIVE JUROR: That's why I put the "yes"
17 or "no." I cannot write down my own word --

18 THE COURT: Right.

19 THE PROSPECTIVE JUROR: -- in the, in the --

20 THE COURT: I understand. Yes, that can be hard.
21 And that's why we have "yes" or "no" so it makes it easier.

22 MR. DE CASTRO: We have no objection.

23 MS. KOMATIREDDY: We have no objection, Your Honor.

24 THE COURT: All right. So thank you for letting us
25 know and you are excused.

Prospective Juror No. 108

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1 THE PROSPECTIVE JUROR: Thank you.

2 THE COURT: Okay. You can go back to the second
3 floor.

4 (Prospective Juror No. 107 excused.)

5 THE COURT: Juror 108.

6 MR. DE CASTRO: We have 43, 47, 55, 56, 58 and 69
7 and 70, the hardships.

8 MS. KOMATIREDDY: We would add 38.

9 THE COURT: 38?

10 MS. KOMATIREDDY: Yes, Your Honor.

11 (Prospective Juror No. 108 enters.)

12 THE COURT: Good morning. How are you doing?

13 THE PROSPECTIVE JUROR: Good. How are you?

14 THE COURT: You're Juror No. 108. We had a few
15 follow-up questions for you.

16 THE PROSPECTIVE JUROR: Okay.

17 THE COURT: So I'll start with the hardship that you
18 indicated you might have if you were sitting on this jury.

19 You said you're a single mom with a two-year old?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Yes. Can you tell us what issues you
22 have?

23 THE PROSPECTIVE JUROR: Well, her father is
24 incarcerated right now. I have a domestic violence case
25 against him and an order of protection as well. So I'm just

Prospective Juror No. 109

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1 taking care of her by myself now.

2 THE COURT: I see.

3 THE PROSPECTIVE JUROR: So childcare is hard. I had
4 to find arrangements this morning as well for her to be picked
5 up in case I'm not there in time.

6 THE COURT: Okay.

7 MR. DE CASTRO: We have no objection.

8 MS. KOMATIREDDY: No objection, Your Honor.

9 THE COURT: All right. Thank you for letting us
10 know. You're excused. You can go back to the second floor.

11 (Prospective Juror No. 107 excused.)

12 THE COURT: I wanted to see if anybody wants to take
13 a break but I think we're doing okay for now.

14 MR. DE CASTRO: We can use a break. We're going
15 pretty fast.

16 THE COURT: Why don't we take a break after the next
17 one.

18 MR. DE CASTRO: Okay.

19 (Prospective Juror No. 109 enters.)

20 THE COURT: So Juror No. 109, how are you doing?
21 Yes, that's fine. You can stand there.

22 THE PROSPECTIVE JUROR: Oh, stand there?

23 THE COURT: Yes. That's okay. The chair is there
24 in case you want to put your coat or your bag on it.

25 THE PROSPECTIVE JUROR: I've been sitting for a long

Prospective Juror No. 109

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1 time so standing is fine.

2 THE COURT: And you can take your mask off if you're
3 more comfortable or leave it on.

4 THE PROSPECTIVE JUROR: All right.

5 THE COURT: I see here that you're a retired
6 teacher?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. So you indicated that you have,
9 your sister works in a law office?

10 THE PROSPECTIVE JUROR: Yes, many years ago.

11 THE COURT: Did you ever talk to her about law?

12 THE PROSPECTIVE JUROR: Not really.

13 THE COURT: Okay. So did you have contact with
14 lawyers who would talk about law?

15 THE PROSPECTIVE JUROR: Not really. Also I forgot
16 to write that down. One of my other sisters, she's working
17 for the law firm too.

18 THE COURT: Okay.

19 THE PROSPECTIVE JUROR: I think she's the billing
20 manager or something.

21 THE COURT: Okay. That's great. Thank you for
22 letting us know. And so if you had contact with lawyers, the
23 question is whether you, when Judge Cogan tells you what the
24 law is, you will follow the law as he tells you --

25 THE PROSPECTIVE JUROR: Okay.

Prospective Juror No. 109

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1 THE COURT: -- or whether you'll think some lawyer
2 told me that it's different and I'm going to do it
3 differently.

4 So would you follow the law as Judge Cogan instructs
5 you?

6 THE PROSPECTIVE JUROR: Well, he's the judge so I
7 have to follow the judge, right?

8 THE COURT: Okay. That's good to know.

9 You mentioned that you had sat on a jury before in a
10 robbery case?

11 THE PROSPECTIVE JUROR: Yes, many years ago.

12 THE COURT: Was there anything about that experience
13 that makes it harder for you to be in this case?

14 THE PROSPECTIVE JUROR: Well, because I was working
15 at that time and I had to leave my class for almost a month
16 and then this is, like, this is too much for me because, you
17 know, like, I really care about my students. And then, you
18 know, like, you know, like every day is very intense. You
19 know, I teach them a lot of things. So if I have to leave
20 them for such a long period of time is not good for them.

21 THE COURT: Right.

22 THE PROSPECTIVE JUROR: So, but, you know, like, I
23 remember the attorney asked me who doesn't want to be a juror
24 and then I raised my mind and he said, Okay, you are in.

25 THE COURT: Oh, my goodness. All right. But you're

Prospective Juror No. 109

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1 retired now?

2 THE PROSPECTIVE JUROR: Yes, I'm retired now.

3 THE COURT: That's good. So that's not a problem?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Wonderful.

6 (Continued on next page.)

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OCR

RDR

FCRR

Prospective Juror No. 109

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1 (Continuing.)

2 THE COURT: What were you teaching?

3 THE PROSPECTIVE JUROR: I was first and second
4 grade.

5 THE COURT: Okay. Great. And I'm sure the students
6 appreciated having you there.

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: Okay. You also mentioned that you had
9 seen somebody get kicked in the face on a train?

10 THE PROSPECTIVE JUROR: Yeah, when I was riding the
11 train to work, and then out of the blue, somebody just came in
12 and just kicked the person across from me in the face, and
13 then just left, unprovoked. So I was, like, so shocked.

14 THE COURT: So is there anything about that
15 experience that would affect your ability to be fair in a
16 criminal case like this?

17 THE PROSPECTIVE JUROR: I don't think so. You know,
18 like -- I know because I work in the school system, and then I
19 saw that a lot of kids have issues, so and then they have
20 different kinds of issues. So by the time they grow up, you
21 know, I think they all going to have, you know, like, issues
22 when they're adults too. So, like, I don't know how many of
23 them is going to be walking around the street doing crazy
24 things.

25 THE COURT: All right. So thank you for sharing

Prospective Juror No. 109

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1 that with us. So I also wanted to understand your answer to a
2 question about witnesses and the kind of proof that the
3 Government needs to show.

4 So the Government, by law, does not have to use any
5 particular kind of evidence. They have to present evidence,
6 but it's up to them what kind of evidence that they are going
7 to use. And you wrote that there must be concrete evidence
8 presented of proof -- that proves beyond a reasonable doubt,
9 so I wanted to know what you meant by that, concrete evidence.

10 THE PROSPECTIVE JUROR: Well, because I believe in
11 objective facts. So if somebody can present some objective
12 facts that is proven without reasonable doubt, and then I will
13 buy that.

14 THE COURT: Okay. So the law says that it doesn't
15 have to be a particular type of evidence, like fingerprint
16 evidence. You know, sometimes people say, it wasn't that kind
17 of evidence. Testimony of a witness, even one witness might
18 be enough if it convinces you beyond a reasonable doubt of the
19 person's guilt.

20 So would you be able to accept that testimony alone,
21 even if it's one witness, and maybe the witness is cooperating
22 with the Government, that that might be enough and there
23 doesn't have to be any other type of evidence?

24 THE PROSPECTIVE JUROR: So, I have to see what kind
25 of things he or she is going to say. So it's hard for me to

SIDEBAR CONFERENCE

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1 judge right now. So it depends what evidence do I hear at
2 that moment.

3 THE COURT: Right. Okay. Great. And you shouldn't
4 be judging it because you haven't heard any evidence.

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: But I just wanted to make sure that you
7 would accept that testimony alone, without other evidence,
8 it's possible for you to base a verdict based just on that.

9 THE PROSPECTIVE JUROR: As long as her testimony is
10 reliable.

11 THE COURT: Okay. Great. Any follow-up questions?

12 MR. De CASTRO: No, Judge.

13 THE COURT: Is there any reason that you could not
14 be a fair and impartial juror in this case?

15 THE PROSPECTIVE JUROR: I'm not -- I don't know.

16 THE COURT: Okay. Well, then that's fine. Then the
17 answer would be that you would be fair?

18 THE PROSPECTIVE JUROR: Yes.

19 MS. KOMATIREDDY: I have some follow up on a
20 substantive. May I suggest a sidebar?

21 THE COURT: Okay. Give me a moment while I talk to
22 the lawyers, okay.

23 (Sidebar conference.)

24 (The following occurred at sidebar.)

25 MS. KOMATIREDDY: Two things, Your Honor. She used

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1 the term objective fact and she used it in writing, as well.
2 I think Your Honor got to this, but if we could just do it in
3 a more pointed way.

4 Would she consider witness testimony an objective
5 fact, even in a case where that witness may have a motive to
6 lie?

7 THE COURT: Okay.

8 MS. KOMATIREDDY: And second, given that she's
9 previously been on a criminal robbery trial, I just wonder if
10 she would be comparing evidence, and so I would want to see if
11 we could ask her what was the nature of the evidence in that
12 case, and if she understands that different cases have
13 different types of evidence, so she shouldn't be comparing
14 evidence in this case with whatever the evidence was in that
15 case to determine whether it's sufficient.

16 I worry, for example, that there's a video of a
17 robbery, a surveillance video of a robbery from her prior
18 trial. As I said before, there's no video in this case.

19 THE COURT: I worry about getting too much into the
20 weeds about what was in the prior trial. So that's why I
21 might not say, compare.

22 Is there another way to say what we've sort of been
23 exploring?

24 MS. KOMATIREDDY: That she doesn't have expectations
25 from her prior case that she's bringing here, that she needs

Prospective Juror No. 109

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1 treat it as a different case and with a clean slight.

2 THE COURT: I see. Every trial is different.

3 MR. MIEDEL: On the first question, if you ask about
4 a witness who has a move to lie, obviously, a juror can take
5 into account a motive to lie, so that should be clear, as
6 well.

7 THE COURT: Yes. I think that's fair to say object
8 means different things. But a witness is subjective, so...

9 MS. KOMATIREDDY: Right. Exactly. That's why I'm
10 confused because she put objective.

11 THE COURT: Okay. Thank you.

12 (End of sidebar conference.)

13 (In open court; Prospective Juror present.)

14 THE COURT: Thank you for your patience. I have a
15 couple of follow-ups request.

16 So in response to one of my earlier questions, you
17 said you were looking for objective facts. So when a witness
18 testifies, the witness is testifying as to what he or she
19 knows, and so you could say it's subjective because it's
20 coming from one person.

21 Would you be able to render a verdict based on
22 testimony, or would you be looking for something more?

23 THE PROSPECTIVE JUROR: I have to see whether that
24 person, she sound or he sounds reliable or whether, you know,
25 like, he or she is being sincere, and then what is his and her

Prospective Juror No. 109

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1 objective about giving those testimonies.

2 And do you mean there's only one witness in the
3 case?

4 THE COURT: Well, the case is going to last for
5 eight weeks, so I don't think it's going to be one witness,
6 but there could be -- there are several counts, several things
7 that the defendant is charged with. There could be parts of
8 it where the Government's prove is one witness testifying.
9 And so, you know, it'll be up to you whether you believe the
10 witness, whether you think the witness is reliable, whether
11 you think the witness has a basis to know the things that the
12 witness is testifying to. All those things are fine, because
13 in the normal course of being a juror, you're listening -- in
14 fact, in normal course of your life, you're always assessing
15 whether to believe somebody or not. And so that's fine for
16 you to make those assessments.

17 It's just that when you said objective proof, we
18 were wondering what you meant by objective proof, because when
19 a person says, I saw this, I heard that, technically, that's
20 subjective, because it's just that person. But if you believe
21 the person and you found the person reliable and you took into
22 account, any motive to lie, things like that, and you decided
23 to accept that testimony, whether you would use that testimony
24 as the basis of your verdict or whether you would say, that's
25 not enough, I need to have scientific tests or some other

Prospective Juror No. 109

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1 thanks are more objective. So that's all wire we're trying to
2 figure out, because there could be instances -- you know,
3 probably not the whole trial, but certain parts of it where
4 the proof is a witness who's going to testify.

5 THE PROSPECTIVE JUROR: So that's going to be the
6 major?

7 THE COURT: There may be parts of it.

8 THE PROSPECTIVE JUROR: So I have to, you know,
9 like, look at the whole thing. You know, also besides the
10 person's subjective testimony, and also I want to see some
11 objective evidence too, like, from maybe the police officer or
12 from other people or witnesses or something so I can make a
13 better judgment.

14 THE COURT: Right. And sometimes that will exist
15 and sometimes it doesn't exist or it's not presented to you,
16 right. So there's certain -- you can imagine circumstances in
17 life where there's one witness, right --

18 THE PROSPECTIVE JUROR: That's true. That's true.

19 THE COURT: So it'll be up to you whether you accept
20 that witness' testimony or not. But you know, you talked
21 about you were in another trial that involved a robbery. We
22 don't know what the evidence was in that case. It may be that
23 there was, you know, other evidence of video, something like
24 that. But every case is going to be different.

25 THE PROSPECTIVE JUROR: That's true.

Prospective Juror No. 109

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1 THE COURT: And every case will have different types
2 of evidence, and the jury will look at all of it, and make an
3 assessment as to whether it's enough. But I just wanted to
4 find out whether if it turned out that it was only eyewitness
5 testimony, and maybe for that piece of it, only one witness,
6 whether you would be able to render a verdict just based on
7 that one witness or you would say, that's never enough.

8 THE PROSPECTIVE JUROR: Well, I have to look at what
9 he or she is going to say, and then I have to figure out
10 whether it makes sense or not, you know. So it depends, like,
11 I would not say for sure, but, you know, it all depends upon
12 that witness or that person who gives the testimony.

13 THE COURT: Right. Okay. And if that was all there
14 was and you did say it made sense and I believe the person,
15 could you find that was enough or you would still say, but
16 it's not enough, because it's never enough that it's just a
17 person saying?

18 THE PROSPECTIVE JUROR: If everything makes sense,
19 so if there's on top of that and that's going to be some other
20 evidence that proved that what she say is right or correct or
21 something like that, so it all depends.

22 THE COURT: Right. But if there wasn't other
23 evidence to prove that the person -- again, you can imagine a
24 scenario in your life where there's only one person who saw
25 it.

Prospective Juror No. 109

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1 THE PROSPECTIVE JUROR: That's true. That's true.

2 THE COURT: So that would that be enough or would
3 you say, I need to have corroboration?

4 THE PROSPECTIVE JUROR: It's -- like I said, it all
5 depends what she's going to say, to see whether it's logical
6 or whether it makes sense or something like that.

7 THE COURT: Right. And if it was logical and it
8 made sense and it was reliable and you believed it, would that
9 be enough or would you still want somebody to corroborate it?

10 THE PROSPECTIVE JUROR: I think that that's enough
11 if -- but if there's more evidence that is more helpful in
12 deciding --

13 THE COURT: Okay. But if there wasn't more
14 evidence, would you say, that's enough, or would you say, it's
15 never enough?

16 THE PROSPECTIVE JUROR: So it all depends what that
17 person is going to say.

18 THE COURT: I see. I know I keep asking the same
19 question, but I think you've answered it. All right.

20 Anything else?

21 MR. De CASTRO: Judge, there was a mention of, the
22 other objective evidence, and that it, like, a police
23 officer's testimony.

24 Can you ask about that?

25 THE COURT: Right. Okay. So I wanted to find out

Prospective Juror No. 109

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1 if there's a police officer that testifies, a police officer
2 is a person just like everyone else and they would be a
3 witness just like everyone else.

4 Would you be able to assess that officer's testimony
5 like any other witness or would you give it greater weight
6 than a non-police officer?

7 THE PROSPECTIVE JUROR: I think I treat everybody
8 equally. I don't make any judgment ahead of time. So it all
9 depends what that person is going to be saying and to see
10 whether it's -- matches everything in the scenario.

11 THE COURT: Right. Okay. And would you like that a
12 police officer's testimony was more objective than a
13 non-police officer's?

14 THE PROSPECTIVE JUROR: Yeah, because he's a
15 professional, so they're used to, like, dealing with cases
16 like this. So their evidence should be more reliable.

17 THE COURT: And so if a police officer were
18 testifying one way and somebody who was not a police officer
19 testified a different way, would you believe the police
20 officer more because you think he's more reliable or would you
21 look at everything?

22 THE PROSPECTIVE JUROR: I have to look at
23 everything.

24 THE COURT: Okay. And so would you give equal
25 weight to a police officer's testimony and a non-police

Prospective Juror No. 109

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1 officer?

2 THE PROSPECTIVE JUROR: Mm hm.

3 THE COURT: Yes?

4 THE PROSPECTIVE JUROR: Mm hm.

5 THE COURT: Okay. You said there would be

6 professional --

7 THE PROSPECTIVE JUROR: So because the police
8 officer is a professional and then he or she is working in a
9 law-abiding, you know, profession, so I should give that
10 person more credence or -- for what he or she going to say.

11 THE COURT: Right. Okay. And so when you say, give
12 more credence, do you think they're more believable than
13 someone else?

14 THE PROSPECTIVE JUROR: Mm hm.

15 THE COURT: Yes?

16 THE PROSPECTIVE JUROR: Mm hm.

17 THE COURT: So if a police officer testified and a
18 non-police officer testified, would you believe the officer
19 more than the non-officer?

20 THE PROSPECTIVE JUROR: It all depends.

21 THE COURT: Right. I know.

22 THE PROSPECTIVE JUROR: I have to hear and see
23 everything first, you know, so I cannot make any judgment.

24 THE COURT: Sure. Well, I think we're also -- I'm
25 trying to ask these questions to see if you're going to put

JURY SELECTION

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1 your thumb on the scale a little bit to say, well, police
2 officer, not police officer, police officer more credible,
3 more reliable if everything else is the same.

4 THE PROSPECTIVE JUROR: Well, it's hard for me to
5 say for sure. Like, you know, like, you say, do you trust all
6 the teachers. But some teachers, you know, like, they
7 sexually molested some kids. So when you say in general, I
8 have to look at a specific case, instead of, you know, saying,
9 oh, I trust all the teachers, you know, like, in general. So,
10 but even in all professions, you know, there's always some bad
11 apples. So it all depends.

12 THE COURT: Okay. So you would keep an open mind
13 and assess everybody's testimony?

14 THE PROSPECTIVE JUROR: Yes. Absolutely.

15 THE COURT: All right. Any other questions?

16 MR. De CASTRO: No, Judge.

17 MS. KOMATIREDDY: No.

18 THE COURT: All right. Wonderful. Thank you so
19 much. I'm sorry we took up so much time. Go across the hall.

20 THE PROSPECTIVE JUROR: Thank you, all.

21 THE COURT: Thank you for your candor with us.

22 (Prospective Juror Number 109 exits the courtroom.)

23 THE COURT: All right. So maybe this is a good time
24 to take a break time?

25 MS. KOMATIREDDY: Your Honor, we would move to

JURY SELECTION

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1 strike that juror for cause. The juror articulated on three
2 separate occasions that she would require other evidence, that
3 she, in her own words, separated the person's testimony from
4 objective evidence. I understand that the Court went back and
5 forth with the juror quite a few times, but in each case when
6 asked whether she could accept this basic principle of law
7 that a single cooperating witness' testimony can be
8 sufficient, she caveated it once by saying what I just
9 mentioned, another time by saying, she would want, on top of
10 that, some other evidence that proved that the witness is
11 right. Again, in another caveat, she said that she would
12 listen to the witness, but it would be better if there was
13 more evidence that's more helpful in deciding. I think she
14 was trying her best to answer the Court's question, but I
15 think her significant hesitancy and her demeanor undermines
16 our ability to have confidence in those ultimate assurances
17 and we would move to strike for cause.

18 MR. De CASTRO: Judge, I don't think she's cause. I
19 think that we spent a lot of time with her because she's
20 thoughtful and what did she say. We could pick every little
21 answer where she wasn't sure about something, but that's what
22 a discussion is. And I think at the end of the day, she said,
23 I can accept the witness as long as I believe them. It would
24 be nice to have other stuff, and that's true, if I would think
25 anybody would answer that. So I don't think it's cause.

JURY SELECTION

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1 THE COURT: I spent a lot of time with her because
2 of that and she said there are bad apples in every profession.
3 I think she actually made statements the other that might
4 think that she would favor law enforcement, things, like, I
5 think that they're professionals, but -- and so I tried to
6 probe her both directions of whether she would put the thumb
7 on the scale in favor of law enforcement or require more from
8 law enforcement. And even though she did say statements that
9 taken alone might seem to be unfair, I think upon probing, she
10 always was, like, but in a particular case, I would look at
11 the totality of the circumstance. And so I don't think that
12 she is looking for more, that she would require more, because
13 I did ask her if that's all there was, because there's only a
14 witness presented, would you accept that, and she said, well,
15 as long as the witness is reliable and credible, and then went
16 back to all of the factors that she's supposed to be taking
17 into account.

18 So I understand the Government's argument, but I
19 think on the whole, I don't see a cause. I don't think she's
20 biased one way or the other in this case, or in any event, the
21 statements she's made balance each other out.

22 MS. KOMATIREDDY: Your Honor, with respect to the
23 statements about police officers, I was listening closely
24 there, as well. In our view, two wrongs don't make a right.
25 That's not the same balance. It is equally problematic that

JURY SELECTION

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1 she was hesitant in her ability to view law enforcement
2 testimony just like any other witness' testimony. People
3 should be firm on that, and they should also be firm on their
4 ability to accept that there are not specific investigative
5 techniques required, and a single cooperating witness'
6 testimony is -- can be sufficient, and those are two separate
7 concepts. People should be firm on both, not sort of hesitant
8 on both. I don't think that --

9 THE COURT: Well, I don't think that it's two wrongs
10 make a right. I think what I'm saying is she has made
11 statements that could give pause, but that's why I kept asking
12 the questions. We've spent 20 minutes on this witness or on
13 this juror, because there's been a lot of discussion because
14 she will say something and then when I ask her more, she'll
15 clarify what she said.

16 So for example, the use of the word objective, she
17 didn't mean objective the way we were or you are concerned
18 about objective. I think she wanted to be, you know, to be
19 sure. I think what she meant there was that it would be
20 something that she felt comfortable with, that it wasn't just
21 a person saying so because she wanted to make sure -- not
22 because she wanted someone else to say so, but she wanted to
23 make sure that person was reliable, sincere, had a good
24 objective -- she used the word objective there, but I think
25 she meant motive. So I think she understands that every

JURY SELECTION

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1 assessment of every witness and every piece of evidence is
2 going to be complicated. And so for you to say to be firm on
3 both things, the fact that somebody requires further
4 discussion doesn't make them not a good juror. I think it
5 just means that they are a thoughtful one. So I did not
6 assess that this is going to be a biased juror.

7 MS. KOMATIREDDY: I think our concern, Your Honor,
8 is when -- is the weight given to hesitation to a juror's
9 hesitation in court and whether --

10 THE COURT: The person can hesitate, but as long as
11 they come around to explaining what they mean, that is the
12 reason we have this. Otherwise, we would simply go on the
13 questionnaire and strike people by virtue of their answering a
14 particular way in all instances. We wouldn't have a
15 conversation.

16 MS. KOMATIREDDY: I understand, Your Honor. But in
17 what we're observing, when there is even the slightest the
18 hesitation that Mr. De Castro raises, that had been a basis
19 for striking a juror where -- it was a perfectly good juror
20 yesterday who was the elected official who said he could do
21 the job and answered every question fine, but the Court struck
22 him any way. There was a juror early on --

23 THE COURT: That was not the basis, as I recall.
24 The elected official was a different reason.

25 MS. KOMATIREDDY: Your Honor surmised that he had

Prospective Juror No. 110

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1 some distraction.

2 THE COURT: The 99-year-old mother who just got
3 released from the hospital.

4 MS. KOMATIREDDY: Your Honor, he did not articulate
5 that. And earlier --

6 THE COURT: No. We're done, all right. I've made
7 my ruling. And if you want to make an issue and say that I'm
8 biased, go ahead. But that was a completely different issue
9 and I am taking both sides into consideration and I have made
10 my assessment that this juror is not biased.

11 So we're going to take a break. We'll come back at
12 11:30.

13 (A recess was taken.)

14 THE COURT: Is there anything from the parties
15 before we call in Juror 110.

16 MR. De CASTRO: Not from the defense.

17 THE COURT: Which questions would you like me to
18 focus on?

19 MR. De CASTRO: We have just 67 and then the
20 hardship, 69 through 71.

21 MS. KOMATIREDDY: Same for us, Your Honor.

22 (Prospective Juror Number 110 enters the courtroom.)

23 THE COURT: Good morning, Juror 110. You can step
24 up. You can leave your bag on the seat if you'd like, and you
25 can keep your mask on or you take off, whatever is comfortable

Prospective Juror No. 110

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1 for you.

2 So you indicated that you work two jobs?

3 THE PROSPECTIVE JUROR: Yes, I do.

4 THE COURT: And that sitting on the jury would be a
5 hardship for you?

6 THE PROSPECTIVE JUROR: Yes, ma'am.

7 THE COURT: Can you tell us about that?

8 THE PROSPECTIVE JUROR: Yes. I'm a nurses. I work
9 at Columbia University from 9:00 to 5:00, Monday through
10 Friday. I work at nights, Monday night, Wednesday night, and
11 Thursday nights which I work 12-hour shift on a Thursday, and
12 I do two 8-hour shift Monday and Wednesday.

13 THE COURT: All right. And is it possible for to
14 you change shifts around?

15 THE PROSPECTIVE JUROR: I can't because I work with
16 pediatric patients at night, and during the day, I'm the only
17 nurse that cover for the department of medicine. I work with
18 over 120 doctors, so I'm the one that's responsible for
19 ordering all the supplies, giving out the injections, doing
20 patient teaching, teaching them use how to use their
21 medication.

22 MR. De CASTRO: No objection.

23 MS. KOMATIREDDY: No objection, Your Honor.

24 THE COURT: All right. Thank you for letting us
25 know. You're excused.

Prospective Juror No. 112

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1 THE PROSPECTIVE JUROR: Okay. Thank you.

2 THE COURT: Go back to the second floor. Thank you.

3 THE PROSPECTIVE JUROR: Thank you.

4 (Prospective Juror Number 110 exits the courtroom.)

5 THE COURT: Juror 111.

6 MR. De CASTRO: I had just -- I think they marked
7 cause -- I mean hardship, Your Honor.

8 MS. KOMATIREDDY: Same thing, Your Honor.

9 (Prospective Juror Number 112 enters the courtroom.)

10 THE COURT: Good morning, Juror 111. Come up to the
11 podium.

12 THE COURTROOM DEPUTY: 112.

13 THE COURT: Oh, I'm sorry. You're 112. Okay.

14 MR. De CASTRO: I'm sorry.

15 THE COURT: So this is Juror 112.

16 How are you doing?

17 THE PROSPECTIVE JUROR: I'm all right.

18 THE COURT: So you indicated -- we just had a few
19 follow-up questions based on the answers you gave on your
20 questionnaire.

21 You said that you've been the witness -- you or
22 people you know have been the witnesses to or a victim of a
23 crime. You talked about your car being stolen, your cousin's
24 house being broken in, cars being stolen from your work.

25 Were any of these cases -- did these result in court

Prospective Juror No. 112

407

1 cases?

2 THE PROSPECTIVE JUROR: Not one.

3 THE COURT: And was there anything about those
4 experiences that would make you not be fair as a juror in a
5 criminal case?

6 THE PROSPECTIVE JUROR: I don't know. It depends on
7 the case.

8 THE COURT: Okay. Well you had a short description
9 of the case.

10 Can you tell me, do you think you could you could be
11 fair in this case?

12 THE PROSPECTIVE JUROR: I didn't really pay
13 attention to this case.

14 THE COURT: Well, there's nothing to pay attention
15 to yet. If you were a juror, you would have all the evidence
16 presented to you in Court and you would make a decision based
17 just on what you heard in Court. In fact, you're not supposed
18 to pay attention to the case outside the courtroom, all right.

19 So can you follow that rule?

20 THE PROSPECTIVE JUROR: I could try.

21 THE COURT: All right. Do you think you could?

22 It would mean that if you heard something on the
23 news about this case, you'd have to turn off the T.V. or the
24 radio and not talk about the case.

25 Can you do that?

Prospective Juror No. 112

408

1 THE PROSPECTIVE JUROR: Would me talking about the
2 case affect the outcome?

3 THE COURT: If you were a juror in the case, you
4 could not talk about the case until the case was over. So
5 while the case was happening, the trial could last eight
6 weeks, so during that time, if you heard somebody talk about
7 the case on the news or, you know, on the subway, you would
8 have to turn off -- turn it off or leave or say, I can't
9 listen to this, please don't talk about it.

10 Could you do that?

11 THE PROSPECTIVE JUROR: It's possible, yes.

12 THE COURT: So I had mentioned those other crimes
13 that had happened to you and people you know.

14 Is there anything about your experience in those
15 cases, either with law enforcement or the way that the crimes
16 happened or were handled that would make it hard for to be
17 fair in this case?

18 This is a criminal case, that's why I'm asking.
19 It's not about stolen cars, you know, but it's a criminal
20 case.

21 THE PROSPECTIVE JUROR: It's possible. I'm -- in
22 that way, I would be really biased that way.

23 THE COURT: You would be really biased which way?

24 THE PROSPECTIVE JUROR: If they were stealing, yeah.
25 I'd be really biased that way.

Prospective Juror No. 112

409

1 THE COURT: Well, if it were a case about stealing
2 and the Government presented you proof beyond a reasonable
3 doubt, that would be appropriate. The issue is, in this case,
4 you haven't heard any evidence yet, and you should come in
5 with an open mind.

6 So the question is, whether you could do that or
7 whether you would favor one side or the other without having
8 heard the evidence?

9 THE PROSPECTIVE JUROR: I'd probably favor the
10 prosecution side a little bit there.

11 THE COURT: Okay. Can you tell us why?

12 THE PROSPECTIVE JUROR: I watch a lot of stuff.
13 Crime happen around me all the time.

14 THE COURT: You need to slow down a little bit
15 because the court reporter needs to write it down.

16 THE PROSPECTIVE JUROR: Listen man, things get steal
17 around me all the time, things happen around me all the time.
18 The cops when plainly when I report it, they can't do
19 anything.

20 THE COURT: All right. So it sounds like you're
21 frustrated that crimes happens --

22 THE PROSPECTIVE JUROR: Very frustrated.

23 THE COURT: Sure. Okay. So this in this case,
24 there is a crime that -- a case that's been brought against
25 somebody who's been accused of committing a crime.

Prospective Juror No. 112

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1 Do you automatically think the person did it?

2 THE PROSPECTIVE JUROR: I don't think the cops would
3 spend the time if he didn't do it.

4 THE COURT: Okay. So would you presume somebody
5 innocent or you would not presume him innocent?

6 Only you can answer that.

7 THE PROSPECTIVE JUROR: Do you think he's innocent?

8 THE COURT: I'm sorry?

9 THE PROSPECTIVE JUROR: All of this and you think
10 he's innocent? I don't think so.

11 THE COURT: Okay. All right.

12 MR. De CASTRO: No objection, Your Honor.

13 MS. KOMATIREDDY: No objection, Your Honor.

14 THE COURT: Okay. Thank you for letting you us
15 know. You are excused. Go back to the second floor.

16 (Prospective Juror Number 112 exits the courtroom.)

17 THE COURT: Juror 113 is not here either. So let's
18 go to juror 114.

19 MR. De CASTRO: Is it 114 that we're on?

20 THE COURT: Yes. I think it's juror 114 is the next
21 juror.

22 MR. De CASTRO: I think we'd like an answer on the
23 hardship 69 and 71, and also follow up on 36 and 56.

24 MS. KOMATIREDDY: That covers us as well, Your
25 Honor.

Prospective Juror No. 114

411

1 THE COURT: Okay. Juror Number 114.

2 (Prospective Juror Number 114 enters the courtroom.)

3 THE COURT: Hello. Juror 114. How are you doing?

4 THE PROSPECTIVE JUROR: I'm okay.

5 THE COURT: Good. You can stand at the podium.

6 There's a microphone there. Right there. There you go. We
7 just had a few follow-up questions based on the answers you
8 gave on the questionnaire.

9 You mentioned that you have a cough, right, since
10 May and that -- does this bother you?

11 THE PROSPECTIVE JUROR: A little bit. From time to
12 time, it's getting worse, sometimes. I just take some puff
13 and it helps me out to relief coughing (indicating).

14 THE COURT: Okay. Good. So if you're sitting as a
15 juror, you mentioned that it might bother other people.

16 But if you take that medicine that helps you, right?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And I think if you needed to take a
19 break, the judge would be able to give you a break.

20 Is that okay?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Do you have any other health
23 concern about being able to sit as a juror?

24 THE PROSPECTIVE JUROR: I'm okay.

25 THE COURT: Great. So you also answered a question

Prospective Juror No. 114

412

1 about whether you could sit in judgment of another person, and
2 you said ultimate judgment will be done by the board.

3 And the question is whether you could sit in a
4 criminal trial where you would have to render a verdict of
5 guilty or not guilty based on the evidence in this case.

6 So would you be able to do that?

7 THE PROSPECTIVE JUROR: I could do that.

8 THE COURT: And if the evidence showed beyond a
9 reasonable doubt that a person was guilty, would you be able
10 to come back with a verdict of guilty?

11 THE PROSPECTIVE JUROR: If it is the whole truth and
12 it's beyond a reasonable doubt, I could.

13 THE COURT: All right. So that's the standard is
14 beyond a reasonable doubt. Okay.

15 So there's no religious belief that would stop you
16 from doing that?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: You also said that you thought
19 legalizing drugs would corrupt our children?

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: Currently, drugs are -- or at least
22 cocaine which is the drug that is involved in this case is
23 illegal, and the allegations are of distribution and
24 trafficking in cocaine.

25 Do you think that you would be fair to both the

Prospective Juror No. 114

413

1 defendant accused of this crime or these crimes, and the
2 Government that's bringing the case?

3 Would you be fair to both sides in a case that
4 involved drugs?

5 THE PROSPECTIVE JUROR: If it is determined to be
6 the facts, based on the presented evidence, and witnesses, and
7 again, it has to be decided by the juror, based on those
8 presentations, whether who is telling the truth, the defense
9 or the prosecutor, and the juror will give their verdict based
10 on those.

11 THE COURT: Right. So if you were a juror, you
12 would have to make that decision.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And we're looking for jurors who are
15 going to be fair to both sides.

16 Can you be that juror?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay.

19 MR. De CASTRO: Judge, could you follow up on the
20 burden piece? Just that we don't have one.

21 THE COURT: So you mentioned that the burden of
22 proof is beyond a reasonable doubt.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Right. Okay. And so a person is
25 presumed innocent and the burden is on the Government to

Prospective Juror No. 114

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1 present proof beyond a reasonable doubt.

2 THE PROSPECTIVE JUROR: Correct.

3 THE COURT: The defendant doesn't have to say
4 anything and doesn't have to present evidence.

5 Can you accept that?

6 THE PROSPECTIVE JUROR: I accept that too.

7 THE COURT: All right. And you would be assessing
8 who's telling the truth.

9 Would you give the same assessment of who's telling
10 the truth, regardless of whether somebody is a law enforcement
11 officer or not?

12 THE PROSPECTIVE JUROR: I mean, both sides, not only
13 the law enforcement, but also the defense.

14 THE COURT: And you would judge a witness the same
15 way and not believe one person more just because of, you know,
16 the line of work they're in?

17 THE PROSPECTIVE JUROR: Yes, ma'am.

18 MR. De CASTRO: Just had the one. That was it.

19 THE COURT: Okay. And then you have a job where you
20 said you are not sure if you would get paid.

21 Can you find out whether you would get paid if have
22 you to sit on this jury.

23 THE PROSPECTIVE JUROR: I did ask my HR. She still
24 has to find out.

25 THE COURT: I see. So when you find out, please let

Prospective Juror No. 116

415

1 the Court know.

2 THE PROSPECTIVE JUROR: I will.

3 THE COURT: Okay. Any other follow-up questions?

4 MS. KOMATIREDDY: No, Your Honor.

5 THE COURT: Okay. Thank you very much. You can go
6 back across the hall.

7 (Prospective Juror Number 114 exits the courtroom.)

8 THE COURT: Juror 116, I don't have anything.

9 MR. De CASTRO: Neither do we, Judge.

10 MS. KOMATIREDDY: Neither do we, Your Honor.

11 THE COURT: Was there any particular area you wanted
12 me to follow up on, conversationally?

13 MS. KOMATIREDDY: Conversationally, generally, the
14 news and television is good conversationally, Your Honor.

15 THE COURT: Okay.

16 (Prospective Juror Number 116 enters the courtroom.)

17 THE COURT: Hello.

18 THE PROSPECTIVE JUROR: Hi.

19 THE COURT: How are you doing?

20 THE PROSPECTIVE JUROR: Good.

21 THE COURT: Great. So if you could just come up to
22 the podium, that would be fantastic.

23 So I wanted to find out if there was anything that
24 we didn't ask you about that you think the Court should know
25 about you?

Prospective Juror No. 116

416

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Is there any reason you could not be
3 fair and impartial if you were picked as a juror?

4 THE PROSPECTIVE JUROR: No reason.

5 THE COURT: You mentioned that you speak and
6 understand Spanish?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: There will be court interpreters who do
9 that. Will you able to --

10 THE PROSPECTIVE JUROR: English or Spanish is fine.
11 Yes.

12 THE COURT: But will you able to accept what the
13 court interpreters tells you?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: You mentioned a couple of T.V. shows and
16 how you get the news.

17 Can you tell us a little bit about that?

18 THE PROSPECTIVE JUROR: I've always enjoyed series,
19 especially, like crime, mystery, a little bit of everything,
20 really. Romance, mysteries.

21 THE COURT: So the crime shows that you mentioned
22 like CSI and Law and Order, those are fictional. They're not
23 true. They say they're based true, but they make things
24 different.

25 So do you know the difference between what you see

Prospective Juror No. 117

417

1 on T.V. and what is in real life?

2 THE PROSPECTIVE JUROR: Right. Yes.

3 THE COURT: Because in T.V. they make things very
4 dramatic. And sometimes they have somebody will confess or
5 something comes up.

6 Are you aware that in real life it's different?

7 THE PROSPECTIVE JUROR: It's different, yes.

8 THE COURT: And in real life, you could have the
9 testimony of one witness without physical evidence or other
10 things, and that would be enough to convict if it was proved
11 beyond a reasonable doubt.

12 Do you understand that?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Any follow up?

15 MS. KOMATIREDDY: No, thank you, Judge.

16 THE COURT: Thank you very much. Go back across the
17 hall.

18 (Prospective Juror Number 116 exits the courtroom.)

19 THE COURT: Juror 117, what questions?

20 MR. De CASTRO: Start with hardship. Then 39, 40,
21 47, 55, 62, I think C and D, and 64.

22 THE COURT: And 64?

23 MS. KOMATIREDDY: That covers us, as well, Your
24 Honor.

25 (Prospective Juror Number 117 enters the courtroom.)

Prospective Juror No. 117

418

1 THE COURT: Hello, Juror 117.

2 THE PROSPECTIVE JUROR: Hello.

3 THE COURT: Come right up. How are you doing?

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: Great. So I had some follow-up
6 questions for you, and I'll start with your answer to the
7 question about hardship. You talked about needing to make
8 money and overtime. So tell us about that.

9 THE PROSPECTIVE JUROR: Well, basically ever time
10 I'm here, I'm not getting overtime. So I already lost three
11 weeks worth of it. Sometimes, I can make up on Saturdays,
12 sometimes I can't.

13 THE COURT: And what kind of work do you do?

14 THE PROSPECTIVE JUROR: I'm a machinist supervisor.

15 THE COURT: Okay. All right. And you said you
16 can't make up that time.

17 Overtime is time that's beyond what a normal working
18 day is?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: So do you need to overtime pay?

21 THE PROSPECTIVE JUROR: If I want to pay the
22 mortgage and other bills, yes.

23 THE COURT: Right. And there's no way you can get
24 around that that?

25 THE PROSPECTIVE JUROR: Working Saturdays.

Prospective Juror No. 121

419

1 THE COURT: You're already working Saturdays?

2 THE PROSPECTIVE JUROR: Yes.

3 MR. De CASTRO: No objection.

4 MS. KOMATIREDDY: No objection, Your Honor.

5 THE COURT: Okay. Thank you. You're excused. Go
6 back to the second floor. Thank you very much.

7 (Prospective Juror Number 117 exits the courtroom.)

8 THE COURT: Juror 120 is also not here, so we'll
9 skip to 121.

10 MR. De CASTRO: I believe they also answered the
11 hardship question, and then we have 35, 39, 40, 42, 44, 49,
12 53, 56, 58, and 61.

13 MS. KOMATIREDDY: That covers us, as well, Your
14 Honor. Okay.

15 (Prospective Juror Number 121 enters the courtroom.)

16 THE COURT: Hi, Juror 121. Step right up, please.
17 We just had a few follow-up questions. You can put your bag
18 on the chair if you want. There's a microphone there even
19 though you can't see it. There you go. Leave it. Yes.
20 Excellent.

21 THE PROSPECTIVE JUROR: Sorry.

22 THE COURT: That's okay. That's okay.

23 So we just had a few follow-up questions and I'll
24 start with you mentioned to the Court that there's an MRI
25 coming up.

Prospective Juror No. 121

420

1 So tell me about that.

2 THE PROSPECTIVE JUROR: My spouse is a -- she had
3 brain tumor surgery about 15 months ago, so she has quarterly
4 MRIs, neuro scans. It's like a 25 to 50 percent chance the
5 tumor comes back within the first five years, so each one
6 matters.

7 THE COURT: And do you need to be with your spouse
8 for the MRI?

9 THE PROSPECTIVE JUROR: I would like to be with her
10 if they say the tumor is back.

11 THE COURT: Right. But the MRI itself, I'm not sure
12 what the process is. Often you did go and then it's some time
13 before you get the result.

14 THE PROSPECTIVE JUROR: Same day.

15 THE COURT: Same day. And do you have that
16 currently scheduled?

17 THE PROSPECTIVE JUROR: It's Monday.

18 THE COURT: Which day?

19 THE PROSPECTIVE JUROR: Next Monday?

20 THE COURT: Monday the 23rd?

21 THE PROSPECTIVE JUROR: Yeah. And I forgot to
22 mention, I also have a post-op appointment scheduled for, I
23 think, the 30th or 31st. I forgot which day.

24 THE COURT: What kind of appointment is it?

25 THE PROSPECTIVE JUROR: I had a operation in

Prospective Juror No. 121

421

1 December. It's a post-op.

2 THE COURT: And that's not something that can be
3 rescheduled if necessary?

4 THE PROSPECTIVE JUROR: I guess I can ask. Yeah.

5 THE COURT: Okay. And so for your spouse and the
6 MRI, is it in the morning or the afternoon on the 23rd?

7 THE PROSPECTIVE JUROR: The scan will be in the
8 morning, and we'll get the results by the afternoon.

9 THE COURT: I see.

10 THE PROSPECTIVE JUROR: Stay at the hospital the
11 whole time.

12 MR. De CASTRO: Judge, we have no objection.

13 MS. KOMATIREDDY: No objection, Your Honor.

14 THE COURT: All right. Thank you for letting us
15 know of these things. You're excused. You can go back to the
16 second floor.

17 THE PROSPECTIVE JUROR: To the waiting room?

18 THE COURT: To the second floor. Back to the jury
19 room.

20 THE PROSPECTIVE JUROR: Thank you.

21 (Prospective Juror Number 121 exits the courtroom.)

22 THE COURT: Okay. So the next juror will be 23, but
23 Juror 146, who is supposed to be in the afternoon group, just
24 arrived and wants to be seen early. So we could see 122. I
25 think that person is available, and then see 146 after that.

Prospective Juror No. 122

422

1 Are you prepared? I know it's the afternoon batch.

2 MR. De CASTRO: We're fine.

3 THE COURT: Is the Government ready?

4 MS. KOMATIREDDY: (Nonverbal gesture).

5 THE COURT: So let's do 122 and then 146.

6 (Prospective Juror Number 122 enters the courtroom.)

7 THE COURT: Juror 122. Come right up to the podium
8 here. Come more. Come in closer. There's a chair there, but
9 stand at the podium next to it. The other side. There you
10 go.

11 Okay. How are you doing?

12 THE PROSPECTIVE JUROR: I'm doing fine.

13 THE COURT: Okay. Great.

14 I see here that you're a retired physician?

15 THE PROSPECTIVE JUROR: Huh?

16 THE COURT: Are you a retired physician?

17 THE PROSPECTIVE JUROR: Right.

18 THE COURT: What kind of medicine did you used to
19 practice?

20 THE PROSPECTIVE JUROR: Just a general practice.

21 THE COURT: Great. And how long have you been
22 retired?

23 THE PROSPECTIVE JUROR: About 10 years.

24 THE COURT: Okay. Great. So and what do you do in
25 your spare time? What kinds of things do you do? Do you have

Prospective Juror No. 122

423

1 any hobbies?

2 THE PROSPECTIVE JUROR: Not anything special.

3 THE COURT: Nothing? Okay. And it says here that
4 you like to watch T.V. and the internet.

5 Are there any shows that you like to watch in
6 particular?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Where do you get your news?

9 THE PROSPECTIVE JUROR: Huh?

10 THE COURT: Do you watch -- you said you watch CNN.
11 Is that how you get the news?

12 THE PROSPECTIVE JUROR: Just the news.

13 THE COURT: What kind of movies do you like are?

14 THE PROSPECTIVE JUROR: I don't like movies.

15 THE COURT: You don't like movies?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Do you read books?

18 THE PROSPECTIVE JUROR: Huh?

19 THE COURT: Do you read books.

20 THE PROSPECTIVE JUROR: Read book? Not really.

21 THE COURT: No? All right.

22 MR. De CASTRO: Maybe number 25.

23 THE COURT: Okay.

24
25 (Continued on the following page.)

Prospective Juror No. 122

424

1 (Continuing)

2 THE COURT: And you said here that you admire
3 President Carter, Jimmy Carter?

4 THE PROSPECTIVE JUROR: Yeah.

5 THE COURT: What do you admire about him?

6 THE PROSPECTIVE JUROR: I put something there.

7 THE COURT: But you can take any kind of person,
8 there are a million people. What do you like about Jimmy
9 Carter?

10 THE PROSPECTIVE JUROR: President.

11 THE COURT: Was there anything about him that made
12 him more special than other presidents?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: And do you live with any family members?

15 THE PROSPECTIVE JUROR: What is that?

16 THE COURT: Do you live with family members?

17 THE PROSPECTIVE JUROR: No, I live by myself.

18 THE COURT: I see, okay. And do you have close
19 friends?

20 THE PROSPECTIVE JUROR: Friends?

21 THE COURT: Who are retired.

22 THE PROSPECTIVE JUROR: Just a few family members.

23 THE COURT: Family members, okay. Who is in your
24 family? What family members are you in touch with?

25 THE PROSPECTIVE JUROR: Just my sister.

Prospective Juror No. 122

425

1 THE COURT: What kinds of things do you like to talk
2 about with your sisters?

3 THE PROSPECTIVE JUROR: Hum? Nothing special.

4 THE COURT: Nothing special, okay. So is there
5 anything that we didn't ask you about on the questionnaire
6 that you think we should know about you?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Is there any reason you could not serve
9 as a juror in this case?

10 THE PROSPECTIVE JUROR: If you want to, but I have
11 some health problem, diabetes, high blood pressure, high
12 cholesterol, glaucoma. I have cataract. I don't mind to
13 serve it, but I told you I have problem.

14 THE COURT: Right, and these things are all being
15 managed?

16 THE PROSPECTIVE JUROR: Huh?

17 THE COURT: These medical issues, they're chronic?

18 THE PROSPECTIVE JUROR: Yeah.

19 THE COURT: And you are managing them okay?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: And you would be able to sit on a trial
22 for eight weeks?

23 THE PROSPECTIVE JUROR: I hope so.

24 THE COURT: Okay. And would you be fair to both
25 sides?

Prospective Juror No. 122

426

1 THE PROSPECTIVE JUROR: Yeah.

2 THE COURT: And was there anything in your
3 interactions with law enforcement or criminal activity that
4 would make you not be fair?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: No? Okay, great.

7 Any follow up?

8 MR. DE CASTRO: No, Judge.

9 MS. KOMATIREDDY: No thank you, Judge.

10 THE COURT: Thank you very much. You can go back
11 across the hall.

12 THE PROSPECTIVE JUROR: Go back over there?

13 THE COURT: Yes.

14 THE PROSPECTIVE JUROR: Okay.

15 THE COURT: Thanks.

16 (Prospective juror 122 exits courtroom.)

17 THE COURT: So Juror 146 had mentioned anxiety, so I
18 will ask that first.

19 MR. DE CASTRO: Yeah, and we had a bunch other -- do
20 you want the numbers?

21 THE COURT: Yes.

22 MR. DE CASTRO: Sure. 35, 36, 45. Obviously 69 and
23 70 first. 45, 47, 48 and 58.

24 THE COURT: And 50 --

25 MR. DE CASTRO: 58.

Prospective Juror No. 146

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1 MS. KOMATIREDDY: That covers us as well, Your
2 Honor.

3 THE COURT: All right.

4 (Prospective Juror No. 146 present at sidebar.)

5 THE COURT: Hello. You're Juror No. 146?

6 THE PROSPECTIVE JUROR: Hi.

7 THE COURT: You can put your coat and your bag on
8 the chair. How are you doing?

9 THE PROSPECTIVE JUROR: I'm okay. Thank you for
10 seeing me.

11 THE COURT: I know you were supposed to come in the
12 afternoon and you're here early.

13 THE PROSPECTIVE JUROR: I'm here early and I asked
14 to be seen earlier because one of my reasons why I don't think
15 I would be a good juror is because I have debilitating
16 anxiety. I can control it in certain ways. It's embarrassing
17 to say in a courtroom full of people, but that usually
18 requires a lot of methods for managing that being on a jury
19 would not allow me to do or manage.

20 THE COURT: I'm sorry, did the Government say
21 anything or should we continue questions?

22 MS. KOMATIREDDY: We have no objection, Your Honor.

23 THE COURT: Thank you for letting us know.

24 THE PROSPECTIVE JUROR: I appreciate it so much.
25 Thank you everyone.

Prospective Juror No. 123

428

1 THE COURT: Okay.

2 (Prospective juror 146 exits courtroom.)

3 THE COURT: All right. And then we have juror 123
4 and we're done for the morning.

5 MR. DE CASTRO: For that juror, the defense has, I
6 think they answered to 69 and the explanation sheet, and 24,
7 36, 58, 62 and 66.

8 THE COURT: And for the Government?

9 MS. KOMATIREDDY: I believe Mr. de Castro described
10 62. There are multiple subparts that are problematic of 62,
11 just to hit every one.

12 (Prospective Juror No. 123 enters.)

13 THE COURT: Juror No. 123, how are you doing?

14 THE PROSPECTIVE JUROR: Good. Thank you.

15 THE COURT: I have some follow-up questions for you
16 based on the questionnaire and I will start with, you have
17 told us about your travel plans.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Could you tell us how that would impact
20 your ability to serve on this case.

21 THE PROSPECTIVE JUROR: So I have a trip next week
22 for work and I travel about once a month for work out to the
23 west coast, so that would be a bit of a challenge. I also
24 have a family reunion vacation booked in Florida for the week
25 of June 6th.

Prospective Juror No. 123

429

1 THE COURT: June. If we are still in trial, we are
2 in trouble. But as far as next week, what days are you
3 planning to travel?

4 THE PROSPECTIVE JUROR: I'm traveling Monday and
5 back on Saturday.

6 THE COURT: All next week?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Is that something that could be
9 re-scheduled?

10 THE PROSPECTIVE JUROR: It would be very
11 challenging. We have a lot of new folks starting at my
12 company that I am responsible for. I'm kind of committed to
13 that.

14 THE COURT: So that's not something you can do
15 remotely or schedule another time?

16 THE PROSPECTIVE JUROR: No. I mean, if I couldn't
17 make it, it would be a challenge, but I would do what I have
18 to do if I needed to be here.

19 THE COURT: So if you had to, you could reschedule
20 it?

21 THE PROSPECTIVE JUROR: Yes. Yes.

22 THE COURT: And then the once a month, what does
23 that entail?

24 THE PROSPECTIVE JUROR: That is me going out to the
25 west coast to our Portland, Oregon office to manage the team

Prospective Juror No. 123

430

1 out there that I oversee.

2 THE COURT: And again --

3 THE PROSPECTIVE JUROR: There's a bit of flexibility
4 there.

5 THE COURT: There is some flexibility?

6 THE PROSPECTIVE JUROR: A little bit.

7 THE COURT: You said your company is recovering from
8 COVID.

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: That is a challenge. Although, in COVID
11 times people did everything remotely, so maybe there is some
12 flexibility still.

13 THE PROSPECTIVE JUROR: A little bit but we're in
14 the event services business which suffered a lot during COVID,
15 but now we're starting to come out of it since COVID is
16 actually going down.

17 THE COURT: You also weren't sure if you would be
18 paid for jury duty.

19 THE PROSPECTIVE JUROR: I'll take PTO for a month,
20 although they would probably work with me on the actual --

21 THE COURT: Okay. And would these financial
22 concerns impact your ability to focus on the trial?

23 THE PROSPECTIVE JUROR: I mean, it wouldn't be
24 ideal, but, again, my civic duty, I would do what I needed to
25 do.

Prospective Juror No. 123

431

1 THE COURT: Right. So if you had to serve, you
2 would find a way to make it work?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Let me ask you some of these other
5 questions. You talked about hearing loss, but you could hear
6 me now, right? It should be fine?

7 THE PROSPECTIVE JUROR: It's improved. It's
8 basically ringing in my ear and occasionally I get a little
9 vertigo. It has gotten better since about last week.

10 THE COURT: Great. You also talked about your
11 father being a victim of elder abuse. Tell me about that.

12 THE PROSPECTIVE JUROR: Yeah. Unfortunately my
13 father passed away in 2012 of COPD and his health deteriorated
14 during that time. He did employ some folks to be with him to
15 take care of him that were not ideal, unfortunately. They
16 were manipulating him and they kind of abused him and it was a
17 very unfortunate situation that I didn't have a lot of
18 influence or control over. But they were also involved in the
19 drug trade. It's a long history, but it wasn't ideal.

20 THE COURT: I'm sorry to hear that about your
21 father.

22 THE PROSPECTIVE JUROR: Thank you.

23 THE COURT: The fact that this happened, do you
24 think that will impact your ability to sit and be fair and
25 impartial in a drug trafficking case?

Prospective Juror No. 123

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1 THE PROSPECTIVE JUROR: I would like to think I can
2 put my personal feelings aside and be impartial, but I can't
3 tell you 100 percent for sure that I would be able to.

4 THE COURT: So how do you think that experience will
5 impact your service as a juror?

6 THE PROSPECTIVE JUROR: It may influence me a little
7 bit just the memories that I have going through that whole
8 experience were not great. So, again, I would try to put
9 aside my -- any bias I would have there.

10 THE COURT: Okay. When you say bias, do you know
11 which side you would be biased for or against?

12 THE PROSPECTIVE JUROR: No, just to be honest with
13 you, I really don't. I'm very -- I was a little -- it was an
14 emotional experience for me, so dealing with that whole
15 experience.

16 THE COURT: So it is more about having to relive the
17 experience?

18 THE PROSPECTIVE JUROR: Yeah, I think so.

19 THE COURT: Well, this case wouldn't involve elder
20 abuse. The allegations are of drug trafficking and cocaine
21 distribution. Those kinds of things. So do you think that
22 memory of what happened to your father would impact --

23 THE PROSPECTIVE JUROR: Probably not.

24 THE COURT: So, then, let me ask you also about your
25 answer to the question and I'll just get what you wrote

Prospective Juror No. 123

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1 specifically so I can ask you about it.

2 You were asked about Government witnesses who might
3 testify who will say that they participated themselves in
4 crimes and that they now are testifying pursuant to an
5 agreement with the Government, and you said I would struggle
6 being impartial with known criminals. Can you talk about
7 that?

8 THE PROSPECTIVE JUROR: Yeah, I mean, I understand
9 that's the system and it would be a little challenging for me
10 just in general having known some of these folks might have
11 committed violent crime and now their sentence is reduced or
12 whatever to be a witness here.

13 THE COURT: Right.

14 THE PROSPECTIVE JUROR: So it would be difficult for
15 me.

16 THE COURT: So do you think if somebody testified as
17 to certain facts and then said that she committed some serious
18 crime and the reason she was testifying was because the
19 Government promised she would get a reduced sentence or
20 something like that, do you think you would not then believe
21 that person?

22 THE PROSPECTIVE JUROR: I would -- it would be
23 challenging for me, to be honest with you, yes.

24 THE COURT: But could you --

25 THE PROSPECTIVE JUROR: I could put aside my --

Prospective Juror No. 123

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1 again, I would do the right thing for what my duty would be,
2 but I would struggle --

3 THE COURT: Right.

4 THE PROSPECTIVE JUROR: -- doing that.

5 THE COURT: Well, you're allowed to take into
6 account a person's motive in assessing credibility and you
7 could decide to believe the person because you have taken
8 everything into account or, conversely, you could also, after
9 taking everything into account, decide not to believe the
10 person. The question is whether you would be fair, right and
11 assess it that way instead of deciding immediately that you're
12 not going to believe the person.

13 THE PROSPECTIVE JUROR: Right.

14 THE COURT: Or you're not going to trust the person
15 because of the admitted criminal behavior or something like
16 that.

17 THE PROSPECTIVE JUROR: Right.

18 THE COURT: So all of those considerations are fine.
19 It's just whether you could be fair about it. So do you think
20 you could be fair?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: And it may be that the evidence in the
23 case is, or, at least, for a particular charge, could just be
24 testimony. And, so, could you convict just based on the
25 testimony of a cooperating witness or would you necessarily

Prospective Juror No. 123

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1 require more?

2 THE PROSPECTIVE JUROR: I could convict on the facts
3 if -- yeah.

4 THE COURT: On just the testimony of a cooperating
5 witness? Yes?

6 THE PROSPECTIVE JUROR: Yeah.

7 THE COURT: And you also said you were nervous about
8 security. So let's talk a little bit about that.

9 THE PROSPECTIVE JUROR: Yes, just given the
10 high-profile nature of the case and what you've heard in the
11 news of certain elements, not necessarily this case, other
12 related cases.

13 THE COURT: Is there anything in particular you're
14 concerned about or just generally because it's high profile?

15 THE PROSPECTIVE JUROR: Just high profile and some
16 of the -- some of the -- on the Mexican side of the folks
17 involved are a little frightening, but....

18 THE COURT: But there wasn't anything specific?

19 THE PROSPECTIVE JUROR: Nothing specific.

20 THE COURT: Okay. You mentioned the Mexican side of
21 things. You said your partner is Mexican?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: But you don't have any particular
24 feelings about Mexicans?

25 THE PROSPECTIVE JUROR: No, not at all.

Prospective Juror No. 123

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1 THE COURT: Thank you.

2 Is there any follow up that you want me to ask
3 about?

4 MR. DE CASTRO: I have none.

5 MS. KOMATIREDDY: Your Honor, could we please have
6 follow up on 62-C?

7 THE COURT: Okay. Going back to the issue of the
8 cooperating witness, I asked you whether you could convict
9 just based on just the testimony of a cooperating witness, and
10 I'll just be more specific. The Government is not required to
11 present any specific type of evidence. All right. They'll
12 present the evidence that they're going to present.

13 Can you -- would you require the Government to
14 present a specific type of evidence or could you, depending on
15 whenever the evidence is the Government gave you, still
16 convict if you found beyond a reasonable doubt?

17 THE PROSPECTIVE JUROR: If it was evidence that the
18 Government presented, I would be able to do my job as a juror,
19 yes.

20 THE COURT: So you wouldn't require that they have a
21 specific type of evidence?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: And testimony would be enough for you?

24 THE PROSPECTIVE JUROR: Yes.

25 MR. DE CASTRO: Could you just follow up on just

Prospective Juror No. 123

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1 phrasing, the phrasing do my job, just to make sure what that
2 job -- yeah.

3 THE COURT: When you said do your job, what do you
4 mean?

5 THE PROSPECTIVE JUROR: My job as a juror, what
6 we're required to do.

7 THE COURT: Which, as you understand it, is to do
8 what?

9 THE PROSPECTIVE JUROR: Listen to the facts and
10 basically help in the process of the system here.

11 THE COURT: All right. So would you listen to the
12 facts and assess the evidence and you would follow the law as
13 the judge will instruct?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: And then you would render a verdict that
16 is fair and just based on the evidence?

17 THE PROSPECTIVE JUROR: Correct.

18 THE COURT: Anything else?

19 MS. KOMATIREDDY: No. Thank you, Your Honor.

20 THE COURT: Thank you very much.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: Go back across the hall.

23 (Prospective juror 123 exits courtroom.)

24 THE COURT: So, I think the afternoon jurors will be
25 here at 1 o'clock. It is 12:15. If we took an hour for

Jury Selection

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1 lunch, will that be enough time for everyone?

2 MR. DE CASTRO: Yes.

3 THE COURT: I hope everyone will be on time. If
4 they are, we will start at 1:20 or so. Why don't you be ready
5 at 1:20 and as soon as the jurors are here, or a critical mass
6 of them are here, we will get started.

7 Hold on a second.

8 Before we do that, are there any other for-cause
9 arguments either side wants to make?

10 MR. DE CASTRO: No other for-cause arguments.

11 MS. KOMATIREDDY: Your Honor, I would just move to
12 strike the juror that just came, Juror No. 123. In response
13 to cooperator questions, he noted it would be challenging. In
14 response to the Court's follow up of whether he could accept a
15 cooperator's testimony, he initially made an assurance, but
16 again caveated with I would struggle. We believe that, in
17 connection with his demeanor, reflects a more deeply held
18 belief that is problematic in light of the evidence in this
19 case and we would ask to strike for cause.

20 THE COURT: Well, I heard him say very clearly that
21 he would be, even though, as you said, he may have made
22 statements earlier that indicated, as you say, struggle. If
23 you want me to ask a follow-up question, I can, but I was
24 listening very carefully for his assurances that he could be
25 fair.

Jury Selection

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1 MS. KOMATIREDDY: In that case, Your Honor, yes, I
2 would like some additional follow up even though it may be
3 repetitive. Your Honor has done that in other cases. So I
4 think it would be helpful to have some additional follow up on
5 the cooperators and he said he would struggle, is there either
6 emotional or other gut-instinct reason that he can't accept
7 those witnesses's testimony with an open mind or hear those
8 witnesses's testimony with an open mind, and that would
9 prevent him from receiving the Government's evidence with an
10 open mind.

11 THE COURT: So I will ask him what the nature of the
12 struggle is to the extent he used the word "struggle." I'm
13 trying to remember the context, but I will use that word, and
14 whether he can accept and hear the testimony with an open mind
15 of a cooperating witness.

16 MS. KOMATIREDDY: The phrase I have is he said it
17 would be challenging and I would struggle.

18 THE COURT: Okay. Can we have that juror come back,
19 please, Juror 123. And then after this, I think we can
20 dismiss the other jurors and have them come back tomorrow
21 morning at 8:30 so they don't have to hang around for the rest
22 of the day.

23 Is that acceptable?

24 MR. DE CASTRO: That works.

25 MS. KOMATIREDDY: Yes, Your Honor.

Prospective Juror No. 123

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1 (Prospective Juror No. 123 present at sidebar.)

2 THE COURT: We had a couple of follow-up questions
3 that I didn't ask earlier.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: So I apologize if this sounds
6 repetitive, but we have a reason for asking the question.

7 THE PROSPECTIVE JUROR: No problem.

8 THE COURT: So I had asked you before about the
9 cooperating witnesses.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: There might be people who testify that
12 committed crimes and they are testifying because they are
13 cooperating with the Government. And I believe at one point
14 you said you would struggle with that, so I wanted to
15 understand what you meant by it.

16 THE PROSPECTIVE JUROR: Yeah, I mean, having known
17 someone committed a crime in the past, personally, it might
18 affect my judgment, but after explaining to me, you know, how
19 important it is, you know, and thinking about it, probably I
20 would not let that affect my ability to do what is supposed to
21 be done as far as my duties as a juror.

22 THE COURT: Okay. And you said probably. Do you
23 have doubts that you couldn't set that aside, those concerns,
24 or would you not be able to do that?

25 THE PROSPECTIVE JUROR: I -- I can set -- I can set

Prospective Juror No. 123

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1 those aside to do what I need.

2 THE COURT: Okay. Thank you. And would you be able
3 to accept and hear the testimony of a cooperating witness with
4 an open mind?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: And I think at some point you might have
7 used the word challenging as well and I don't know if you
8 meant it in a different way or it's the same thing you
9 described.

10 THE PROSPECTIVE JUROR: It's the same thing. Yeah.

11 THE COURT: Okay. And even though you thought it
12 was one thing, after discussion and clarification in court
13 today, you can confidently say you can set aside --

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: -- questions you had.

16 THE PROSPECTIVE JUROR: Yeah.

17 THE COURT: All right.

18 MS. KOMATIREDDY: Thank you, Judge.

19 THE COURT: Thank you.

20 (Prospective juror 123 exits courtroom.)

21 THE COURT: All right. Why don't we have all of
22 those jurors come back here and let them know they are excused
23 for today and come back at 8:30. So ask all of the jurors to
24 come in.

25 (Prospective jurors present.)

Jury Selection

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1 THE COURT: You can sit wherever you'd like. This
2 will only take a minute.

3 Good afternoon, everyone. Thank you so much. And
4 it is afternoon. Thank you so much for your patience. You've
5 all been wonderful and thank you for answering our questions
6 this morning.

7 So you are done for today. You can go home, but
8 please come back tomorrow morning at 8:30. We are hoping that
9 tomorrow we shall finish the jury selection, but we have
10 another group of people coming in this afternoon, you don't
11 have to be here for that. You don't have to call in. Just
12 show up tomorrow morning at 8:30 and we will continue with the
13 jury selection and hopefully finish it and then we'll know who
14 will be on the jury. So thank you, everyone. And have a nice
15 day. We will see you tomorrow morning.

16 (Prospective jurors exit.)

17 THE COURT: So I overheard one of the jurors asking
18 questions because he didn't hear. I recall that juror. We
19 can pull up the number and perhaps we can ask about hearing or
20 are you okay with that?

21 MR. DE CASTRO: I believe that's number 122, if I am
22 correct.

23 MS. KOMATIREDDY: Yes.

24 THE COURT: The retired physician.

25 MR. DE CASTRO: Our view is we should let him go, I

Jury Selection

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1 mean, he --

2 THE COURT: Well, I'm not inviting for cause. I'm
3 just saying that I heard some issue about hearing and I'm just
4 flagging it because I heard that. So if you want to have a
5 follow-up questioning about whether there's a hearing issue.
6 You don't have to. I'm just letting you know that I happened
7 to hear as the juror was walking out say I didn't hear what
8 the judge said and my law clerk explained to him what he said.

9 MS. KOMATIREDDY: Yes, Your Honor. I think based on
10 the current record, we don't see a basis. But I understand
11 the reason for follow-up questioning. If we can do that
12 follow-up questioning Thursday morning, that's fine with us.

13 THE COURT: Of course. Again, I couldn't help
14 overhearing. I just wanted to flag the issue to the parties
15 in case they had a concerned.

16 Why don't we come back at 1:30 and whoever is
17 available as jurors, we can get started even if they're not
18 fully here just in the interest of getting through the full
19 group. There were a couple of jurors from this morning who I
20 hope will show up this afternoon. Again, we're trying to get
21 to 40. So by the end of the day, we should figure out how
22 tomorrow is going to go.

23 MR. DE CASTRO: Judge, our count is, if you include
24 the paid question marks, okay, is 40. So, I think maybe we
25 should, over lunch, talk about what number we should go for.

Jury Selection

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1 THE COURT: Why don't you do that, because the ones
2 who are question marks, if they come back as people that
3 should be excused, then we will not be at 40. So please give
4 yourselves that room based on how many anticipated possible
5 people we will lose. But whatever number you think we should
6 get to today should be fine, with the possibility that
7 tomorrow morning we will not have enough people. And if it
8 means we have to get a few extra people just to get there,
9 that's fine too. There's no harm in that. All right.
10 Anything else?

11 MS. KOMATIREDDY: Nothing from the Government.

12 MR. DE CASTRO: No.

13 THE COURT: Great. I will see you all at 1:30.

14 (Lunch recess.)

15 (Continued on next page.)
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19
20
21
22
23
24
25

Jury Selection

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1 AFTERNOON SESSION

2 (In open court.)

3 (Defendant present.)

4 THE COURTROOM DEPUTY: All rise.

5 THE COURT: Please be seated. We are back on the
6 record, and we can resume with jury selection with the jurors
7 who have been called in this afternoon.

8 My understanding is that the jurors who are called
9 in are all appear, so -- but not the ones who were supposed to
10 come in in the morning. They still have not shown up.

11 MS. KOMATIREDDY: Your Honor, we have a couple of
12 updates for you on the items you asked us to confer.

13 THE COURT: Okay.

14 MS. KOMATIREDDY: First of all, we've heard from
15 Judge Cogan's chambers he intends to start the trial on
16 Monday.

17 THE COURT: Okay.

18 MS. KOMATIREDDY: And with respect to the jurors who
19 appeared today for questioning, I think our preference is that
20 we go through the rest who are here, qualify as many as we
21 can. Given the jury won't -- that the trial won't start until
22 Monday, sometimes you lose people over the weekend, it is a
23 good idea to have extras.

24 THE COURT: All right. I'm happy to do that. Both
25 sides have agreed on it. So that sounds good.

Jury Selection

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1 Let me put my papers together so we can go
2 efficiently. Why don't we take the first couple of jurors and
3 you can tell me the questions I should focus on so we don't
4 have delay. If Government would like to go first. I know we
5 have been allowing the defendant to go first, tell me what
6 numbers you would like to focus on for Juror No. 124.

7 MS. KOMATIREDDY: Juror No. 124, we have a number of
8 follow-ups. The primary one is on several places, including
9 36, he references that his religion may prevent him from
10 sitting in judgment.

11 Otherwise, we also from follow-ups 37, 45, 56, 58,
12 62-B, 64.

13 MR. DE CASTRO: And we have 48.

14 THE COURT: And Juror No. 125?

15 MS. KOMATIREDDY: 36, 37, 44, and 59. He actually
16 seems to write out at one point that he cannot do this.

17 MR. DE CASTRO: We have 47 and 48.

18 THE COURT: Okay. 126.

19 MS. KOMATIREDDY: 44, 56, 57, 58, 62, 66, and 69.

20 MR. DE CASTRO: We have 47 and 52.

21 THE COURT: Okay. And 128.

22 MS. KOMATIREDDY: 40. This one didn't have a lot of
23 narrative answers, so just some additional questions may be
24 helpful.

25 MR. DE CASTRO: We have 44 and 47 on that juror as

Prospective Juror No. 124

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1 well.

2 THE COURT: Okay. And 129.

3 MS. KOMATIREDDY: 36 and 40.

4 MR. DE CASTRO: We have 35, 44, 56, 61, and I think
5 there is a hardship answer.

6 THE COURT: Great. Why don't we get going with
7 those.

8 Let's call in Juror No. 124.

9 (Prospective Juror No. 124 enters.)

10 THE COURT: Good afternoon, how are you doing?

11 THE PROSPECTIVE JUROR: Good. Thank you.

12 THE COURT: Good. You can put your bag and coat on
13 that chair, if you'd like. How are you doing?

14 THE PROSPECTIVE JUROR: I'm great. Thank you,
15 ma'am.

16 THE COURT: Good. So you indicated that you -- we
17 have some follow-up questions.

18 THE PROSPECTIVE JUROR: Yes, ma'am.

19 THE COURT: So you indicated on the questionnaire
20 that you may have an issue in sitting in judgment on another
21 person.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: You mentioned that you are Buddhist.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: We wanted to understand what your

Prospective Juror No. 124

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1 concern is.

2 THE PROSPECTIVE JUROR: Okay, I guess to sum it up
3 is I've been on a spiritual path for the past 15 years and,
4 you know, forgiveness is divine. And I've had to do a lot of
5 forgiveness in my life to proceed on that spiritual path and
6 it's just that mindset has sustained me. I think that pretty
7 much sums up, you know.

8 THE COURT: Right. As part of that forgiveness,
9 does that mean you could not render a verdict of guilty even
10 if you found evidence of proof beyond a reasonable doubt of
11 guilt?

12 THE PROSPECTIVE JUROR: Every action has a reaction,
13 and it's just the law of karma for me.

14 THE COURT: Okay. So I'm not very familiar with
15 what that means. When you say every action has a reaction and
16 how it affects your ability to render a verdict?

17 THE PROSPECTIVE JUROR: Really going back to what I
18 said before: Forgiveness is divine.

19 THE COURT: Okay. So does it mean that if there was
20 evidence presented to you that convinced you beyond a
21 reasonable doubt somebody committed a crime --

22 THE PROSPECTIVE JUROR: Right.

23 THE COURT: -- that you would still not render a
24 verdict of guilty?

25 THE PROSPECTIVE JUROR: It would put me in a very

Prospective Juror No. 125

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1 difficult position because I know -- I know with that what
2 that energy does; it comes back to you.

3 That's been my experience.

4 THE COURT: I see. Okay. Sitting as a juror is
5 never easy.

6 THE PROSPECTIVE JUROR: I know. It's a difficult
7 position to be in.

8 THE COURT: I mean, if you couldn't do it, if you
9 couldn't render a verdict of guilty just because --

10 THE PROSPECTIVE JUROR: It would be a very difficult
11 situation for me.

12 MS. KOMATIREDDY: We have no objection, Your Honor.

13 MR. DE CASTRO: No objection.

14 THE COURT: Thank you for letting us know.

15 THE PROSPECTIVE JUROR: Thank you so much, Your
16 Honor.

17 (Prospective juror 124 exits.)

18 THE COURT: Juror 125.

19 (Prospective Juror No. 125 enters.)

20 THE COURT: Hi, you can come up to the podium.

21 THE COURTROOM DEPUTY: Right here. This podium.

22 THE COURT: You can just put your coat on the chair
23 and stand at the podium and -- that's perfect. How are you
24 doing?

25 THE PROSPECTIVE JUROR: I'm good.

Prospective Juror No. 125

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1 THE COURT: Great. We just have a few follow-up
2 questions.

3 THE PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: So, on your questionnaire, you were
5 asked if you had friends and family members who are lawyers or
6 judges who are involved in the legal field. You said you
7 didn't, but then you also -- when you were asked would it
8 affect your ability to be fair and impartial, you wrote I
9 cannot, and I wasn't sure if you meant to say something else.

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: What do you mean by you cannot?

12 THE PROSPECTIVE JUROR: I cannot judge anybody, you
13 know, I can't be the one to say this person guilty, not
14 guilty. That's not in me.

15 THE COURT: Right.

16 THE PROSPECTIVE JUROR: You know, I never do them
17 stuff and I cannot do it. I was saying in the end, I lost my
18 wife with COVID, so right now my mind is not on nothing else.
19 When I go home -- I just go to work and go home and just
20 worrying about what's going on in my life.

21 THE COURT: I'm sorry for your loss.

22 THE PROSPECTIVE JUROR: Yeah.

23 MR. DE CASTRO: No objection.

24 MS. KOMATIREDDY: No objection, Your Honor.

25 THE COURT: All right. Thank you. You're excused.

Prospective Juror No. 126

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1 THE PROSPECTIVE JUROR: All right.

2 THE COURT: You can go back to the second floor.

3 THE PROSPECTIVE JUROR: Thank you.

4 (Prospective juror 125 exits.)

5 THE COURT: Hello.

6 (Prospective Juror No. 126 enters.)

7 THE COURT: Juror No. 126, you can come up to the
8 podium and put your things on the chair.

9 How are you doing?

10 THE PROSPECTIVE JUROR: Good. How are you?

11 THE COURT: Good. We have some follow-up questions
12 for you based on the questionnaire, and you wrote that you
13 have a hardship. So tell us about that.

14 THE PROSPECTIVE JUROR: Well, it said in the
15 questionnaire that this could last up to eight weeks if I do
16 get placed on the jury and I teach at a college, so that would
17 eat up a huge part of the semester and I'm not quite sure how
18 I would get coverage because we're understaffed, but even if
19 we did, it would be pretty detrimental to the students because
20 I don't know how any -- I wouldn't be there on the first
21 day.

22 THE COURT: Are you teaching every day?

23 THE PROSPECTIVE JUROR: I'm teaching Tuesdays and
24 Thursdays this semester.

25 THE COURT: Okay. And you also said that you have

Prospective Juror No. 126

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1 some anxiety about making decisions.

2 THE PROSPECTIVE JUROR: Yes, it is a personal fault
3 of mine.

4 THE COURT: Tell me how that manifests.

5 THE PROSPECTIVE JUROR: I don't know if you can tell
6 right now. I just get like anxious and jittery, stuff like
7 that. I don't know. It's the way it is.

8 THE COURT: It's natural to be nervous.

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: People don't usually come to federal
11 court.

12 THE PROSPECTIVE JUROR: I guess so.

13 THE COURT: So I can understand that. All right.
14 Let me ask you a couple more questions.

15 You mentioned that you have some close friends and
16 family members who are police officers and you have huge
17 respect for them.

18 THE PROSPECTIVE JUROR: Yeah.

19 THE COURT: Can you tell me if there were a case
20 that involved law enforcement witnesses, would you be able to
21 assess their testimony like everybody else?

22 THE PROSPECTIVE JUROR: I'm not sure, to be honest.
23 I would hope so. I would think so, but I don't know, you
24 know. The two people I'm close with, they've been through a
25 lot, so I don't know if it would strike something. It's hard

Prospective Juror No. 128

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1 to tell.

2 THE COURT: Are you saying that you would tend to
3 believe them over other people, or would you be able to assess
4 their testimony just like somebody else?

5 THE PROSPECTIVE JUROR: I think I would be able to
6 assess it like anybody else. I would hope so. I'm not
7 entirely sure.

8 THE COURT: You say you're not sure?

9 THE PROSPECTIVE JUROR: I'm not sure.

10 THE COURT: Okay.

11 MR. DE CASTRO: Your Honor, we have no objection.

12 MS. KOMATIREDDY: No objection, Your Honor.

13 THE COURT: Thank you very much for your service.
14 You are excused. So go back down to the second floor.

15 (Prospective juror 126 exits.)

16 (Prospective Juror No. 128 enters.)

17 THE COURT: Hello. Juror No. 128. You can put your
18 bags and things on the chair, if you would like. You can keep
19 your mask on or take your mask off if you'd like. Whatever's
20 comfortable.

21 THE PROSPECTIVE JUROR: Right there.

22 THE COURT: Behind the podium. We just have a few
23 follow-up questions for you based on your questionnaire. The
24 first thing you mentioned is that your husband has a state
25 security license and was part-time security at a hospital.

Prospective Juror No. 128

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: So does the fact that your husband was
3 involved in security and is in the security area, would that
4 affect you in any way in terms of sitting on a criminal case?

5 THE PROSPECTIVE JUROR: I don't think so, no.

6 THE COURT: And if there were witnesses who were law
7 enforcement, would you give them -- would you be able to
8 assess their witness testimony the same as everyone else?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: You also mentioned that you know a
11 federal judge, you did yoga with a federal judge for many
12 years.

13 THE PROSPECTIVE JUROR: Yes, for many years.

14 THE COURT: In the course of getting together, did
15 you talk about law or things like that?

16 THE PROSPECTIVE JUROR: Very seldom, no.

17 THE COURT: Okay. Because if you were to sit on
18 this jury, Judge Cogan would instruct you on what the law is
19 and would you be able to follow what Judge Cogan tells you the
20 law is rather than remember what another judge might have
21 said?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Are there any issues that you didn't
24 have an opportunity to tell the Court about that you want to
25 bring up now?

Prospective Juror No. 128

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1 THE PROSPECTIVE JUROR: The only thing is having a
2 week now to compute on this two-month potential jury, I'm
3 just a little miffed that so many people perhaps commit --
4 maybe, I don't know if they're guilty or not. But it imposes
5 a lot on our own lives when we try to be good people. And I
6 understand as being a citizen of the U.S., it's my duty, and I
7 have sat on juries. I find it very important, but I'm like
8 it's a lot of time. I'm willing to give it.

9 There's a bit of -- I don't want to say resentment,
10 I live my life, ideally, by the law. And yet we have to -- I
11 mean, it's been since before Christmas I haven't been able to
12 make any plans because I might have jury duty, I might have
13 jury duty, I might have jury duty, and now potentially for two
14 months.

15 I mean, I don't think honestly think it will affect
16 my ability to sit there and listen to evidence and come to a
17 decision, but there is a bit of me that's like wow this is
18 really an annoying thing that somebody is doing bad against
19 the law and people are trying to lead a life that's legal,
20 unable to make plans, unable to do their job.

21 Anyway, that giving me that week and two days to
22 stew on it for a potential eight-week trial, that's what --
23 so, anyway. That was it.

24 THE COURT: Thank you for letting us.

25 THE PROSPECTIVE JUROR: It's an honest thing, but

Prospective Juror No. 128

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1 you decide.

2 THE COURT: Thank you for letting us know. That's
3 always useful. Sometimes it's not easy to say those things.

4 THE PROSPECTIVE JUROR: No, and thank you for
5 listening.

6 THE COURT: Yeah, I think everybody involved in the
7 judicial system understands and it's such an imposition.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: We are in court all the time.

10 THE PROSPECTIVE JUROR: I know, but -- I know it's a
11 lot and thank you for thanking us, you.

12 THE COURT: Indicating my deputy. I know he has
13 been lovely.

14 THE PROSPECTIVE JUROR: He's been very wonderful.

15 THE COURT: Given that, and given that we have a
16 system of justice that requires this --

17 THE PROSPECTIVE JUROR: I do, I understand that.

18 THE COURT: It's a system that --

19 THE PROSPECTIVE JUROR: Uh-hum.

20 THE COURT: -- we have decided and that we treasure.

21 THE PROSPECTIVE JUROR: Yes. Exactly.

22 THE COURT: The alternative could be that decisions
23 are made without evidence.

24 THE PROSPECTIVE JUROR: Arbitrarily and without
25 evidence.

Prospective Juror No. 128

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1 THE COURT: That's right. And it could be that one
2 person makes the decision.

3 THE PROSPECTIVE JUROR: It's very true.

4 THE COURT: Yes.

5 THE PROSPECTIVE JUROR: But you did ask. I put it
6 out there.

7 THE COURT: Let me ask the follow up. You say feel
8 some resentment about this. That's perfectly natural.

9 Are you likely to take it out on one side or the
10 other?

11 THE PROSPECTIVE JUROR: I don't think so. I mean, I
12 think now that I have expressed it, I feel a little better.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: It just had to come out.

15 THE COURT: That's fair. Thank you for saying it.
16 I'm sure lots of people are feeling it and not able to
17 suppress it. Forgive me for asking. So you said that you
18 might feel some resentment because you're living a law-abiding
19 life and people might be doing things against the law and
20 that's what might be causing all of this.

21 So, the defendant in this case is presumed innocent.

22 THE PROSPECTIVE JUROR: Uh-hum.

23 THE COURT: It's up to the Government to present
24 enough evidence to convince a jury beyond a reasonable doubt
25 of guilt.

Prospective Juror No. 128

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1 THE PROSPECTIVE JUROR: Uh-hum.

2 THE COURT: Would you take it out on the defendant
3 your sense of resentment about having to devote time out of
4 your life to this trial?

5 THE PROSPECTIVE JUROR: I would say no.

6 THE COURT: Would you take it out on the Government
7 for bringing this case?

8 THE PROSPECTIVE JUROR: I work for the -- I would
9 say no.

10 THE COURT: The case -- I wish trials could be
11 faster, frankly, but sometimes it just takes time to get the
12 evidence.

13 THE PROSPECTIVE JUROR: Right. Right.

14 THE COURT: And sometimes there are delays.

15 THE PROSPECTIVE JUROR: Yes. It's a process.

16 THE COURT: And hopefully the case won't take longer
17 than eight weeks. I know everybody is working diligently.
18 Things happen. Would you take it out on the Government for
19 bringing the case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: So you just have a general sense of why
22 do we have to do this.

23 THE PROSPECTIVE JUROR: Now, that you said it, it's
24 like which side is -- no. There is the person who does
25 something potentially and then there's the process. I see

Prospective Juror No. 128

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1 what you're saying.

2 THE COURT: What we are hoping, and you should be
3 honest with us if you think you can't do it, right. So we are
4 looking for jurors who can be fair and --

5 THE PROSPECTIVE JUROR: Of course.

6 THE COURT: -- we are going to give both sides in
7 this case a fair shake.

8 THE PROSPECTIVE JUROR: No, that --

9 THE COURT: However you decide, that's fine, and
10 however you feel about it --

11 THE PROSPECTIVE JUROR: And I would listen to the
12 both sides and weigh the evidence.

13 THE COURT: Okay. Great.

14 Is there any follow up?

15 MS. KOMATIREDDY: Not from the Government, Your
16 Honor.

17 MR. DE CASTRO: No, Judge.

18 THE COURT: I'm sorry, was there a no objection or
19 no questions?

20 MR. DE CASTRO: No other questions.

21 THE COURT: No questions. Okay, thank you very
22 much. You can go back across the hall.

23 THE PROSPECTIVE JUROR: You're welcome. Thank you.

24 (Prospective juror 128 exits.)

25 THE COURT: Juror No. 129.

Prospective Juror No. 129

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1 (Prospective Juror No. 129 enters.)

2 THE COURT: We have two podiums. We do that to make
3 it confusing. How are you?

4 THE PROSPECTIVE JUROR: Good. How are you?

5 THE COURT: Good. You tell us you have a vacation
6 planned.

7 THE PROSPECTIVE JUROR: I do.

8 THE COURT: You said February 2nd to 5th?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: So is there any flexibility in the
11 timing of that?

12 THE PROSPECTIVE JUROR: It's already paid for. The
13 Airbnb is booked and the flight is already booked and like
14 there's tickets to a game we're going to down there.

15 THE COURT: The Court doesn't sit on Friday, but I
16 think that's a Thursday.

17 THE PROSPECTIVE JUROR: Yeah.

18 THE COURT: You said something else about
19 President's Day.

20 THE PROSPECTIVE JUROR: That I haven't booked
21 anything yet.

22 THE COURT: Okay.

23 MR. DE CASTRO: No objection.

24 MS. KOMATIREDDY: We'd like further questioning,
25 Your Honor.

Prospective Juror No. 129

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1 THE COURT: Okay. So in response to another
2 question you said that you were a strong supporter of police
3 officers.

4 THE PROSPECTIVE JUROR: Uh-hum.

5 THE COURT: So would that affect your ability to be
6 fair and impartial if you were asked to be a juror in this
7 case because there may be police officers or law enforcement
8 officers?

9 THE PROSPECTIVE JUROR: Right. I think because I
10 come from a law enforcement family I do find myself being
11 supportive of them. I would try not to be. I can't -- I
12 don't know what the case details of it are. So I wouldn't
13 want to tell you no. I look up to police officers in my
14 family. I would want it to be fair for them. Yeah.

15 THE COURT: Okay. So when you're assessing the
16 testimony of a witness --

17 THE PROSPECTIVE JUROR: Uh-hum.

18 THE COURT: -- you're supposed to determine whether
19 the person's credible and reliable --

20 THE PROSPECTIVE JUROR: Correct.

21 THE COURT: And those things. So, if you were
22 listening to somebody who was a law enforcement officer, do
23 you think you would assess the testimony of that person?

24 THE PROSPECTIVE JUROR: I mean, I have to listen to
25 what they're telling me. That's really all I could go off of,

Prospective Juror No. 129

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1 but I just I wanted to be known that I am a supporter of law
2 enforcement just so it is fair.

3 THE COURT: Sure. And one can be a supporter and
4 still be --

5 THE PROSPECTIVE JUROR: Right.

6 THE COURT: -- maintain some critical distance in
7 the individual who's testifying?

8 THE PROSPECTIVE JUROR: Correct.

9 THE COURT: Would you be able to set aside that
10 general support and just listen to the --

11 THE PROSPECTIVE JUROR: Of what's being said, yes.

12 THE COURT: Okay. And then, let me just see what
13 else you talk about. You said you're a nurse.

14 THE PROSPECTIVE JUROR: Uh-hum.

15 THE COURT: So you see the potentially deadly
16 effects of drugs. Would that affect your ability to sit as a
17 juror in a case that involved drug trafficking, allegations of
18 drug trafficking and distribution?

19 THE PROSPECTIVE JUROR: I want to say no, but I do
20 know it's a problem out there. It's something that I deal
21 with as a nurse on a daily basis, especially working in the
22 postoperative-care unit, we deal with a lot of pain management
23 issues, and I know there is issues out there with drug abuse
24 and stuff like that, so. And, again, I can only listen to
25 what's being told to me and go off of that.

Prospective Juror No. 129

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1 THE COURT: Do you think knowing about the effects
2 of drugs would make you bias in any way?

3 THE PROSPECTIVE JUROR: It could. I see how it
4 affects people. It definitely could.

5 THE COURT: But you don't know whether a particular
6 individual, in this case, the defendant who is standing trial,
7 was involved at all?

8 THE PROSPECTIVE JUROR: Right.

9 THE COURT: You would have to listen to the
10 evidence.

11 THE PROSPECTIVE JUROR: Right.

12 THE COURT: The general idea that drugs are harmful,
13 do you think that will play a role in assessing whether the
14 person is guilty?

15 THE PROSPECTIVE JUROR: Not this particular person
16 in particular, just drugs.

17 THE COURT: So, again, do you think that would
18 affect you as a juror?

19 THE PROSPECTIVE JUROR: I want to --

20 THE COURT: -- in making your decision --

21 THE PROSPECTIVE JUROR: I want to say, like
22 specifically to the person no, but just drugs overall, yeah.

23 THE COURT: Drugs are illegal.

24 THE PROSPECTIVE JUROR: Yeah, I know.

25 THE COURT: Or, at least, the ones we are talking

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1 about here. Cocaine. So it wouldn't be up to you to decide
2 that. The question is whether it would affect your assessment
3 of the case because some people might say -- I'm not saying
4 it's you --

5 THE PROSPECTIVE JUROR: Yeah.

6 THE COURT: -- Drugs are so terrible so I'm going to
7 find a way to convict somebody.

8 THE PROSPECTIVE JUROR: Not if there's not evidence
9 there, no.

10 THE COURT: Would you still apply the burden of
11 proof, which is that the Government needs to prove its case
12 beyond a reasonable doubt?

13 THE PROSPECTIVE JUROR: Of course.

14 THE COURT: Okay. Were there other follow-up
15 questions?

16 MR. DE CASTRO: 71, Judge.

17 THE COURT: So you weren't sure whether you would
18 get paid if you were to sit on this jury and you mentioned you
19 know that it's a long trial. Is there any way for you to find
20 out if you would get paid?

21 THE PROSPECTIVE JUROR: I did inquire about it. I
22 know they have to give you X amount of days, but because I'm a
23 nurse, and it only runs Monday through Thursday, my issue
24 would be are they going to make me schedule myself Friday,
25 Saturday, and Sunday, because I just don't work on Monday

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1 through Friday, 9:00 to 5:00 job. So, even if they say, yes,
2 of course, you can sit jury duty because I have to and they
3 have to let me do that, I would be working 7, 12-plus hours
4 shift, considering my commute from Long Island to here too.
5 So it's a lot.

6 THE COURT: Would you able to do it?

7 THE PROSPECTIVE JUROR: If I have to. I mean, I
8 don't really have a choice. It's not really ideal for me.

9 THE COURT: And would that situation cause you not
10 to be able to focus here or at work?

11 THE PROSPECTIVE JUROR: I mean, it's a lot of hours,
12 you're talking about. It takes two hours in the morning to
13 get here, my drive home. It's like a 12-plus hour day. And
14 then with work, it's the same thing, it's 12-and-a-half-hour
15 shifts. So it's -- that's seven days a week. I think it can
16 burn me out either way.

17 THE COURT: It is a lot. Some people -- everybody
18 has a different breaking point.

19 THE PROSPECTIVE JUROR: Yeah.

20 THE COURT: I don't want you --

21 THE PROSPECTIVE JUROR: For such a long time too.
22 I'm sure it would burn me out. For eight-plus weeks, I'm sure
23 it will be exhausting.

24 THE COURT: Thanks for letting us know that.

25 THE PROSPECTIVE JUROR: No problem.

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1 THE COURT: Anything else from the Government?

2 MR. DE CASTRO: I have no objection.

3 MS. KOMATIREDDY: I just wanted to ask you a
4 question, Your Honor.

5 THE COURT: Okay. Sidebar?

6 MS. KOMATIREDDY: Sure.

7 THE COURT: One moment.

8 (The following occurred at sidebar.)

9 MS. KOMATIREDDY: The juror indicated that she was
10 going to check, but I couldn't tell if she said she had
11 checked and they would make her work weekends or she wasn't
12 sure.

13 THE COURT: I can confirm it. I thought she said
14 she suspected that's what would happen that. She would get
15 paid because of the re-scheduling, so she would still get to
16 work three days a week, but they would be long shifts to make
17 up for the weekdays that she was missing.

18 MS. KOMATIREDDY: Yes. I was wondering if she could
19 inquire with her employer. It sounded tentative to me.
20 That's all.

21 THE COURT: Yes.

22 (Sidebar concluded.)

23 THE COURT: I just have a follow-up question. You
24 mentioned that if you thought you were sitting on the jury
25 Monday through Thursday that your employer would change your

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1 shifts so that you were working Friday, Saturday and Sunday,
2 do you know that's what it they will do or do you think that's
3 what they will do.

4 THE PROSPECTIVE JUROR: Going off how they are and
5 how short we are nursing-wise, it's probably something they
6 will do. I only have my schedule until March 4th. The
7 schedule is not even made after that point. I'm sure whatever
8 my schedule is now, they wouldn't change it. But after that,
9 they may say schedule yourself Friday, Saturday, and Sunday
10 because we're short.

11 THE COURT: So what are you scheduled for between
12 now and --

13 THE PROSPECTIVE JUROR: It's all different. Like
14 next week is my four-day week. I work tomorrow. My schedule
15 flip-flops. It's self-scheduling.

16 THE COURT: So What happens if you're picked to sit
17 on this jury and trial starts on Monday and if you are already
18 scheduled to work on Monday?

19 THE PROSPECTIVE JUROR: I think they would follow
20 through with that. It's going forward. If I am scheduled to
21 work on Friday, I would have to be here Monday through
22 Thursday, whether I'm at the hospital or here. If I'm
23 scheduled for Friday, then I would have to work Friday at the
24 hospital.

25 And then after March 4th, I have no schedule. So we

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1 self-schedule ourselves. So then I can see them saying we're
2 short, since you're not able to help us out. Monday through
3 Thursday you have to schedule yourself.

4 THE COURT: So since you would schedule yourself,
5 that's what you would --

6 THE PROSPECTIVE JUROR: That's probably what they
7 would make me do.

8 THE COURT: What's the other probability?

9 THE PROSPECTIVE JUROR: I could put myself on. Just
10 because I self-schedule doesn't mean my management can move
11 me.

12 THE COURT: I see. Is there a scenario where you
13 didn't have to work Friday, Saturday, and Sunday but you would
14 get paid anyway?

15 THE PROSPECTIVE JUROR: No. So we work three
16 twelves and then every six weeks we do an extra shift and it
17 all rotates. It's not every week I work Monday, Tuesday,
18 Wednesday, flip, flop.

19 THE COURT: And even though the schedule between now
20 and March 4th has already been set, if you were picked to be
21 on the jury, the hospital would scramble to cover for you for
22 the days?

23 THE PROSPECTIVE JUROR: They would have to, yes.
24 But then if those shifts fall Friday, Saturday, and Sunday, I
25 would have to work.

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1 THE COURT: Okay. So what they would do is would
2 reconfigure it?

3 THE PROSPECTIVE JUROR: Probably.

4 THE COURT: But you would then have to work?

5 THE PROSPECTIVE JUROR: Yeah.

6 THE COURT: But you don't envision a scenario some
7 people maybe they not one of the lucky ones, even though
8 you're not working, you still got paid?

9 THE PROSPECTIVE JUROR: Not if -- if it's not on my
10 scheduled paid, then I don't get paid. Like when I came in
11 last week, I didn't get paid for anything.

12 THE COURT: Thank you for letting us know.

13 Any other questions?

14 MS. KOMATIREDDY: Not right now, Your Honor.

15 (Continued on next page.)
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1 (Continuing.)

2 MS. KOMATIREDDY: Not right now, Your Honor.

3 THE COURT: Do you want further --

4 MS. KOMATIREDDY: We just want to discuss it with
5 you afterwards. We were just trying to figure something out.

6 THE COURT: Okay. So thank you very much. You can
7 go across the hall.

8 THE PROSPECTIVE JUROR: Thanks.

9 THE COURT: All right. What would you like to
10 discuss?

11 (Prospective Juror Number 129 exits the courtroom.)

12 THE COURT: All right. What would you like to
13 discuss?

14 MS. KOMATIREDDY: We were just discussing it, Your
15 Honor. We were trying to understand the scheduling. But it
16 sounded -- and please correct me if I'm wrong, but it sounded
17 like if she's picked for the jury and the trial starts Monday,
18 the hospital would cover her for the duration until her next
19 shift schedule --

20 THE COURT: No. No. What I heard her say was the
21 hospital would scramble to reschedule people so that somebody
22 was working Monday through Thursday if that's the shift that
23 she was supposed to work, and the consequence to her is that
24 she would then have to be scheduled Friday, Saturday, or
25 Sunday, or if she chose not to take those shifts, she would

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1 not get paid, because she said very clearly, she doesn't get
2 paid for shifts she doesn't work. So while it didn't sound
3 like, necessarily, she would be forced to work Friday,
4 Saturdays, and Sunday, she would not get paid for those shifts
5 that she did not work.

6 MR. De CASTRO: So in other words, to do this trial,
7 she has to -- and actually still get paid, she has to work on
8 the weekends. So we're going to have a juror that's going to
9 be working in Court for five days and working on the weekends
10 if she wants to pay her bills so she'll be working seven days
11 a week. She will be -- and she said she will be burned out.

12 THE COURT: Yeah. That's what I heard her say, and
13 the alternative would be that she didn't work Friday,
14 Saturday, and Sunday, in which case she would not get paid.

15 MS. KOMATIREDDY: I think we just understood it
16 differently. But the articulation was very clear.

17 Can we just the have that follow-up question. I
18 understood --

19 THE COURT: What's not clear?

20 MS. KOMATIREDDY: It sounded to me like at one point
21 in her statement, she said that she would -- that she would
22 get paid without doing weekends shift for the next four weeks
23 until March 4th --

24 THE COURT: I can ask her that, but I definitely
25 heard her say at the end that she does not get paid for any

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1 shift that she doesn't work, because I said to her, some
2 people are lucky and they will get paid even though they're
3 not working, are you wonderful though people, and she said,
4 no, she doesn't get paid unless she works. And the only days
5 she would be available to work are the non-Monday through
6 Thursday days, but I can certainly bring her back and ask her
7 that.

8 MS. KOMATIREDDY: Yeah, we just wanted to have her
9 back to clarify that.

10 THE COURT: Okay. Have the juror come back.

11 In the meantime, let's go through 130.

12 What questions do you want? Ms. Komatireddy, we'll
13 start with you.

14 MS. KOMATIREDDY: Forty, 49.

15 MR. De CASTRO: This is 130?

16 THE COURT: Yes.

17 MR. De CASTRO: I think 66 ends the discussion. I
18 think it's 66.

19 THE COURT: Okay.

20 MS. KOMATIREDDY: And 63.

21 MR. De CASTRO: And 63.

22 (Prospective Juror Number 129 enters the courtroom.)

23 THE COURT: All right. Sorry to bring you back.

24 THE PROSPECTIVE JUROR: That's okay.

25 THE COURT: But we wanted to be clear because we

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1 weren't sure we heard you correctly.

2 So if you're picked to sit on this jury, the jury
3 sits Monday through Thursday. Regardless of how you've been
4 scheduled up to this point, you wouldn't be available to work
5 Monday through Thursday.

6 THE PROSPECTIVE JUROR: Right.

7 THE COURT: So does that mean you would be
8 rescheduled to work Friday, Saturday, and Sunday?

9 THE PROSPECTIVE JUROR: It could be. I don't know
10 what management is going to do, yeah.

11 THE COURT: And what is the alternative if they
12 don't do that?

13 THE PROSPECTIVE JUROR: If they don't schedule? I
14 don't know what the alternative would be.

15 THE COURT: Okay. Is there an alternative for you,
16 they say, you were scheduled Monday through Thursday, you
17 can't work those days, we've already -- we're not going to
18 schedule you Friday, Saturday, and Sunday, but we'll pay you
19 any way?

20 THE PROSPECTIVE JUROR: That would be very nice. I
21 don't know be if it's going to happen, though. I can't speak
22 for it.

23 THE COURT: You don't know or you know? Because at
24 one point you don't get paid for shifts --

25 THE PROSPECTIVE JUROR: Well, I'm not going to get

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1 paid if I'm not scheduled to work.

2 THE COURT: But if you're scheduled to work --

3 THE PROSPECTIVE JUROR: They'll have to pay me.

4 THE COURT: They'll have to pay you?

5 THE PROSPECTIVE JUROR: But my concern if this is
6 Monday through Thursday, I get picked for this, could my
7 management turn around and say, we're not paying you Monday
8 through Thursday, we're scheduling you to work Friday,
9 Saturday, and Sunday, instead. That's what my concern would
10 be.

11 THE COURT: So there is a scenario where you could
12 get paid because you've been scheduled, but you're not sure
13 that that would happen because they have a choice of
14 scheduling you Friday, Saturday, and Sunday?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: And if you then said I don't want to
17 work Friday, Saturday, and Sunday because I'm too tired --

18 THE PROSPECTIVE JUROR: I don't know if that's an
19 option. I don't know what would happen if I said that to
20 management. I might be out of a job. I have no idea.

21 THE COURT: Okay. So --

22 MR. De CASTRO: And Judge, also after March 4th.

23 THE COURT: Right. So after March 4th, you said
24 that it hasn't been scheduled yet.

25 THE PROSPECTIVE JUROR: Right.

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1 THE COURT: So is there a scenario if you're on the
2 jury and the case goes on beyond March 4th that management
3 would say you're not available Monday through Thursday, so
4 we're not scheduling you those days?

5 THE PROSPECTIVE JUROR: Right.

6 THE COURT: Could you choose to be scheduled Friday,
7 Saturday, and Sunday, or could you choose --

8 THE PROSPECTIVE JUROR: No, they might make me work
9 Friday, Saturday, and Sunday.

10 THE COURT: And if you said no --

11 THE PROSPECTIVE JUROR: I think I would be out of a
12 job.

13 THE COURT: Okay. So --

14 THE PROSPECTIVE JUROR: There's no saying what my
15 management would do. I can't speak for them, and we're short
16 nursings-wise, so I can absolutely see them doing that to me.

17 THE COURT: Is there a way for you to get more
18 clarity on the issue or you think it's not worth asking
19 because you pretty much know what they're going to do?

20 THE PROSPECTIVE JUROR: I mean, I can definitely ask
21 them, but then they're going to ask me did you get picked for
22 it, and then I'm sure that they'll put me on, like I said,
23 Fridays, Saturdays, and Sundays.

24 THE COURT: So if you don't mind, because it's a
25 little bit early in the afternoon, if there's somebody at your

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1 office that you could just ask and say, listen, the judge is
2 asking me this, and if they can give you a clearer answer,
3 that would be helpful.

4 THE PROSPECTIVE JUROR: Okay. Like go get my phone,
5 call management, and see what they say?

6 THE COURT: Yes. Just ask them, if you got picked
7 to sit on this jury that's eight weeks long, and we're sitting
8 Monday through Thursday, what happens to the days between now
9 and March 4th when you're already scheduled?

10 What's going to happen? Are they going to pay you
11 or are they going to make you work on the weekend?

12 THE PROSPECTIVE JUROR: Okay.

13 THE COURT: And then after March 4th, if they can
14 give you a little idea of what's going to happen there. If
15 they're just not going to schedule you, or they'll schedule
16 you for Friday, Saturday, and Sunday.

17 THE PROSPECTIVE JUROR: All right.

18 THE COURT: All right. Thanks.

19 THE PROSPECTIVE JUROR: Thank you very much.

20 (Prospective Juror Number 129 exits the courtroom.)

21 THE COURT: All right. 130?

22 MR. De CASTRO: Judge, I think the questionnaire
23 alone is cause. On 63 and 66.

24 (Prospective Juror Number 130 enters the courtroom.)

25 THE COURT: Hi. How are you doing?

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1 THE PROSPECTIVE JUROR: Very good. Hello,
2 everybody.

3 THE COURT: Hello. So we just had a few follow-up
4 questions for you based on your answers.

5 THE PROSPECTIVE JUROR: Sure.

6 THE COURT: And I'll start with the answer you gave
7 to a question that asked you about personal views of -- toward
8 people of Mexican descent. And I wanted you to talk a little
9 bit more about your answer there.

10 THE PROSPECTIVE JUROR: Sure.

11 THE COURT: Are okay. So you said -- and I'll just
12 read it, due to drug human trafficking and sex slavery, some
13 Mexico individuals make the rest of the Spanish population
14 look bad.

15 So can you talk a little more about that view?

16 THE PROSPECTIVE JUROR: Well, actually, when I got
17 home, I realized that it's not just Mexican. It's a lot of
18 Spanish people. I am from South America. And just the fact
19 that hear news regarding the abusement a lot of people receive
20 because of certain Mexican individuals, are united by all
21 Mexicans, but just certain segments.

22 THE COURT: So your concern is that the actions of
23 some Mexicans are making all South Americans look bad?

24 THE PROSPECTIVE JUROR: Yes. But unfortunately, all
25 segments of Latin America have the same problem.

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1 Unfortunately, it's been focused on Mexicans, and in this case
2 it's Mexicans, so I thought maybe I would be a little bit
3 biased.

4 THE COURT: So do you think that if a Mexican person
5 is accused of criminal activity, they must have done it?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: So then tell me how you the bias will
8 affect your ability to be fair?

9 THE PROSPECTIVE JUROR: Because of -- I think of
10 what we read, it's mainly Mexicans. But I guess I was a
11 little bit rushed to give that answer. I think I could be
12 fair. He can be from anywhere. He could be from where I come
13 from, Ecuador, he could be from Colombia. He can be from
14 Mexico. It's just at the moment I thought I would be a little
15 bit biased against him and I wouldn't want to be in that
16 situation.

17 THE COURT: In which situation?

18 THE PROSPECTIVE JUROR: Where I have to be involved
19 in the courtroom where there's a Mexican being accused of
20 something.

21 MS. KOMATIREDDY: We have no objection, Your Honor.

22 THE COURT: All right. So thank you for letting us
23 know. You're excused. You can go back to the second floor
24 jury room and let them know that you've been excused from this
25 trial.

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1 THE PROSPECTIVE JUROR: Okay.

2 (Prospective Juror Number 130 exits the courtroom.)

3 THE COURT: Juror Number 131, what question should I
4 focus on?

5 MS. KOMATIREDDY: Forty, 43, and 55, Your Honor.

6 MR. De CASTRO: We also had 44, 47, and 58, I
7 believe.

8 THE COURT: Okay. And I also showed a doctor's
9 appointment today, so I'll just ask and see if that's
10 something that is an issue now.

11 (Prospective Juror Number 131 enters the courtroom.)

12 THE COURT: Hello. Juror Number 131, come up to the
13 podium. You can put your bag on the chair if you'd like, and
14 you can keep your mask on or you can take it off, whatever's
15 comfortable for you. So we just had a follow-up questions for
16 you. You said that you had a doctor's appointment today.

17 Were you able to make it?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: No?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: I'm sorry. I hope it can be
22 rescheduled.

23 THE PROSPECTIVE JUROR: I hope so.

24 THE COURT: Okay. Good. So you mentioned that you
25 were mugged at one point?

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: And it went to court.

3 Was there a conviction in that case or what
4 happened?

5 THE PROSPECTIVE JUROR: I don't recall. It was
6 quite awhile ago.

7 THE COURT: Right. Did you have to testify?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: No, okay. Sorry. And you did that --
10 did that experience -- do you think that would affect your
11 ability to be fair in a criminal case here?

12 THE PROSPECTIVE JUROR: I would hope not. It was
13 quite awhile ago.

14 THE COURT: Yeah, okay. That's good to hear.

15 So you also said that you had an aunt who died at
16 Rikers?

17 THE PROSPECTIVE JUROR: Yes, I did.

18 THE COURT: Is there anything about that experience
19 that would make it hard for you to be fair and impartial in a
20 criminal case?

21 THE PROSPECTIVE JUROR: Again, I would hope not.
22 But I don't know what could possibly be said during the trial
23 that may cause emotions to arise.

24 THE COURT: Right. And can you describe what you
25 think could happen?

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1 THE PROSPECTIVE JUROR: I think that if anybody was
2 hurt, that could cause some emotions to arise.

3 THE COURT: Right. Was she waiting for trial? Was
4 she accused of something? What was she accused of?

5 THE PROSPECTIVE JUROR: Well, I guess it would be
6 stealing. Yes.

7 THE COURT: And did she ever have a trial?

8 THE PROSPECTIVE JUROR: No. She passed away before
9 the trial.

10 THE COURT: I see. Okay. And do you have feelings
11 about the criminal justice system as a result of what happened
12 to your aunt?

13 THE PROSPECTIVE JUROR: Well, I think they could
14 have taken better care of her. But I should explain that my
15 aunt was a quadriplegic, so I don't really have any
16 expectations of the system being able to take care of somebody
17 who is disabled.

18 THE COURT: All right. So do you think what
19 happened to her, you would be thinking about it if you had to
20 sit as a juror in this case?

21 THE PROSPECTIVE JUROR: I can't say that it wouldn't
22 cross my mind.

23 THE COURT: Sure. Well, thank you for your candor
24 on that. It's often hard to predict how you'll react and
25 something like that, I'm sure was very difficult for your

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1 family.

2 THE PROSPECTIVE JUROR: Yes, it was.

3 THE COURT: Yeah. And so what we're trying to do
4 here is make sure that we have a jury of people who are fair
5 and impartial who will listen to the evidence, you know, and
6 give both sides in this case a fair shake. And so we want to
7 make sure that people don't come in with biases and things
8 like that which would make it unfair.

9 THE PROSPECTIVE JUROR: I understand.

10 THE COURT: So it's really all about fairness.

11 And so is there any reason you could not be fair in
12 this case?

13 THE PROSPECTIVE JUROR: I don't think so. I will
14 try to be fair. I answered the question because -- in
15 honesty, because you asked -- it was asked that we -- you be
16 truthful in the responses to the questionnaire.

17 THE COURT: And I appreciate it. So thank you for
18 that.

19 So let me move on and, you have two friends who were
20 correction's officers?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: And so that counts as law enforcement.

23 And I wanted to see whether you, as a result of your
24 friendship with these two people, would assess the testimony
25 of law enforcement witnesses any differently from somebody

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1 who's not law enforcement?

2 THE PROSPECTIVE JUROR: No, I don't think so. I
3 think that law enforcement people are called to be -- are
4 called upon to be fair and honest, as well. Even though I'm
5 sure it must be challenging.

6 THE COURT: Yeah. Any witness who testifies, you're
7 supposed to assess their credibility because, you know, you
8 can believe them or not believe them, and you would be looking
9 at things like their ability, you know, to know what they're
10 testifying about, their motive for testifying, and whether you
11 thought they were credible, right. And so once you looked at
12 all of those things, you would come to the conclusion of, I
13 accept this person's testimony or not.

14 It's important for jurors to assess every witness
15 the same way and not say, oh, you're law enforcement so I'm
16 going to believe you more or I'm going to believe you less.
17 You're not law enforcement, so I'm going to, you know, look at
18 it this way. We want to make sure you're judging all the
19 witnesses in the same way.

20 Can you do that?

21 THE PROSPECTIVE JUROR: I hope so.

22 THE COURT: All right. But you know yourself. So
23 do you think you could do it?

24 THE PROSPECTIVE JUROR: I think I could.

25 THE COURT: Okay. Great.

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1 And you said you have a friend who's a legal
2 secretary.

3 Do you ever talk about legal issues with her or him?

4 THE PROSPECTIVE JUROR: From time to time.

5 THE COURT: So the question is, whether -- Judge
6 Cogan will instruct you on what the law is, and do you think
7 you'll be able to follow his instruction and not think, well,
8 my friend told me something else?

9 THE PROSPECTIVE JUROR: Yes, I would be able to
10 follow instructions.

11 THE COURT: Okay. Great. And then you also talked
12 about you had a family member who abused illegal substances.

13 Do you think that would affect your ability to be
14 fair in this case that involves allegations of drug
15 trafficking?

16 THE PROSPECTIVE JUROR: That would be kind of
17 challenging. I think that the amount of drugs that are
18 filtered through this country would probably be less if there
19 was more stringent rules in keeping them out. So it would
20 be -- it would diminish access.

21 THE COURT: Okay. So do you think that view and
22 that desire would affect your ability to be fair in this case
23 where a particular individual is accused of being involved in
24 drug trafficking?

25 THE PROSPECTIVE JUROR: I can say I would be

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1 challenged. I don't know what particulars would really come
2 up during the trial. I can only guess.

3 THE COURT: Well, it is hard to predict because you
4 haven't heard the evidence yet. But tell me what you mean by
5 challenging?

6 THE PROSPECTIVE JUROR: Well, I think there would be
7 some conflict, that's what I'm trying to say.

8 THE COURT: And conflict on the one side, what on
9 the other side?

10 THE PROSPECTIVE JUROR: Conflict in terms of how I
11 would actually, like I say, judge the person's responses based
12 on whatever deeds they committed.

13 THE COURT: Okay. And I guess I'm trying to figure
14 out where the conflict is.

15 THE PROSPECTIVE JUROR: Okay. I'm trying to be
16 clear.

17 THE COURT: Yeah, no, you know, it's hard for me --

18 THE PROSPECTIVE JUROR: No, it's all right. I'm
19 trying to answer the question, but not in a roundabout way,
20 because like I said, I don't know what could actually come up
21 during the course of the potential trial that would trigger
22 certain questions.

23 THE COURT: Right.

24 THE PROSPECTIVE JUROR: So to the best of my
25 ability, I would try to either respond, or you know,

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1 participate in, say, the jury process to the best of my
2 ability.

3 THE COURT: Okay.

4 MR. De CASTRO: We have no objection, Judge.

5 MS. KOMATIREDDY: No objection, Your Honor.

6 THE COURT: So you're excused. If you want to go
7 back to the jury room on the second floor, you can let them
8 know that you're excused from this trial.

9 THE PROSPECTIVE JUROR: Okay.

10 THE COURT: Okay. Thank you.

11 (Prospective Juror Number 131 exits the courtroom.)

12 THE COURT: So let's do a couple of jurors and tell
13 me what questions you'd like me to ask. Juror 133.

14 MS. KOMATIREDDY: The comprehension issue on 133.

15 THE COURT: The comprehension of what, English?

16 MS. KOMATIREDDY: English. In multiple places, she
17 writes out, I do not understand, instead of actually checking
18 yes or no. Rights narrative answers. I don't totally know
19 what's going on there.

20 134.

21 THE COURT: Wait. Hold on a second. We're still on
22 133.

23 MR. De CASTRO: We have a number of others too --

24 THE COURT: But the general --

25 MR. De CASTRO: -- the general is three, and it

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1 seems to be all over.

2 THE COURT: So juror 134.

3 MS. KOMATIREDDY: Thirty-nine and 40.

4 MR. De CASTRO: Forty-four, 47, 52, and 56, as well.

5 THE COURT: 136.

6 MS. KOMATIREDDY: Thirty-six and 37.

7 MR. De CASTRO: And we have 47, 49, and 56.

8 THE COURT: All right. So I am told that Juror 129
9 is now back with an answer from her employer, so if she's
10 there, you can bring her back. Otherwise, 133 is here.
11 Whoever is there, we'll take either of them.

12 (Prospective Juror Number 129 enters the courtroom.)

13 THE COURT: Juror 129, that was fast. Okay. So
14 tell us what you heard.

15 THE PROSPECTIVE JUROR: Okay. So I called my
16 management. She said for this schedule, if I'm scheduled
17 Monday through Thursday and it's like a regular shift of mine,
18 that gets paid. If I'm scheduled for a Friday, Saturday,
19 Sunday, I'm expected to be at work in order to get paid.
20 After March 4th, she doesn't know. She also doesn't know how
21 many jury duty days I'm allotted for my job. I will say, when
22 I sat for civil it was only a week, and I did get paid for all
23 three of those days, but she's not sure what happens if it's
24 an eight-week trial.

25 THE COURT: But if you, at least in the short term,

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1 let's say, the first week, Monday through Thursday, if you
2 couldn't sit, you would still get paid, they wouldn't make you
3 work Friday, Saturday, and Sunday?

4 THE PROSPECTIVE JUROR: If I'm not scheduled --

5 THE COURT: They're in the --

6 (Simultaneous Crosstalk).

7 THE COURT: They're not going to rearrange your
8 schedule?

9 THE PROSPECTIVE JUROR: Not until -- I have my
10 schedule that's March 4th stays as is.

11 THE COURT: Got it. But notwithstanding that, you
12 said -- because between now and March 4th several weeks, and
13 so you don't know if at some point they -- you don't know how
14 many days they'll pay you?

15 THE PROSPECTIVE JUROR: Right.

16 THE COURT: So even though you're supposed to get
17 paid for the days you're scheduled, let's say you're
18 scheduled, just hypothetically, Monday through Friday this
19 week, one week, and then the second week, and then the third
20 week, would they still pay you because you're scheduled or
21 would some other policy kick in where, because it's jury duty,
22 they're not going to pay you?

23 THE PROSPECTIVE JUROR: Right. She wasn't sure how
24 many jury duty days I'm entitled to, I guess, if that's a
25 thing.

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1 THE COURT: And you don't know whether the policy
2 where they pay you what you're scheduled would prevail or the
3 other policy of they only pay you for X number of jury duty
4 days will prevail?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Any follow-up?

7 MS. KOMATIREDDY: Can you find out? Is there an
8 answer to that question?

9 THE PROSPECTIVE JUROR: I mean, I called my
10 management and they don't know. I would have to get in touch
11 with corporate HR, and I've literally sat on hold with them
12 for paycheck errors for hours.

13 MS. KOMATIREDDY: Your Honor, I guess we would just
14 ask -- I know a lot of jurors are going through this
15 situation, so we would just ask that the juror inquire with
16 her employer for a definitive answer.

17 THE COURT: Okay. Could you ask, just call whoever
18 you need to call to find out whether there are a limited
19 number of jury duty days that you would be paid beyond which
20 you would not get paid, even though you're scheduled? And I
21 apologize you're on hold.

22 THE PROSPECTIVE JUROR: Like, I don't even know if
23 I'm going to get an answer today for --

24 THE COURT: That's fine. If you don't get an
25 answer, you could always let us know tomorrow. That would

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1 be okay, as well?

2 THE PROSPECTIVE JUROR: Like, call here tomorrow?

3 THE COURT: If you don't get an answer today, you'll
4 be asked to come back tomorrow at 8:30, and so at that point,
5 we can call -- continue to call your employer and see if you
6 can get an answer.

7 THE PROSPECTIVE JUROR: Okay.

8 MR. De CASTRO: Judge, maybe it makes sense to ask
9 if she's already scheduled for the weekends already up to
10 March 4th.

11 THE COURT: Okay. Are you scheduled Monday through
12 Thursday?

13 THE PROSPECTIVE JUROR: I have my planner. I can
14 take it out and look at my dates. I was, like, it's also in
15 my phone, but I don't have my phone.

16 THE COURT: It's always good to have a paper backup.

17 THE PROSPECTIVE JUROR: So my actual schedule, not
18 this weekend?

19 So I'm scheduled Friday, January 27th, I'm scheduled
20 February 12 at 7 a.m. and that's my vacation week, that second
21 vacation week, and then Friday, March 3rd. And then that's
22 all I have my schedule until.

23 THE COURT: When you say scheduled, is it just that
24 day or is it a couple of days?

25 THE PROSPECTIVE JUROR: Sorry, I was just going off

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1 of, like, what would affect here, Friday, Saturday, and
2 Sunday.

3 THE COURT: So I don't think I'm following, because
4 you say you're scheduled Friday, January 27?

5 THE PROSPECTIVE JUROR: Mm hm.

6 THE COURT: And that day, it wouldn't matter because
7 there's no court, because it's a Friday.

8 THE PROSPECTIVE JUROR: Right. So they would make
9 me work that Friday.

10 THE COURT: They would make you work on the 27th.

11 THE PROSPECTIVE JUROR: Right. Correct. And then
12 the other weekend was February 12th, 7:00 a.m. So I would
13 have to go to work on Sunday and then be here Monday, Tuesday,
14 Wednesday, Thursday, and then my vacation starts which was
15 that second vacation that I haven't booked yet, and then March
16 3rd is a Friday. So I would be Monday through Thursday here,
17 Friday at work.

18 THE COURT: Okay. So the days that you're telling
19 us about are the days where you're scheduled where you would
20 be quote, unquote, forced to work, because you're already
21 scheduled and that would be in addition to the Monday through
22 Thursday that you're here?

23 THE PROSPECTIVE JUROR: Right.

24 THE COURT: Are you scheduled on any Mondays,
25 Tuesdays, Wednesdays, or Thursdays?

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1 THE PROSPECTIVE JUROR: Yes. So I have -- are you
2 ready?

3 THE COURT: Yes.

4 THE PROSPECTIVE JUROR: So tomorrow, Thursday, 1/19,
5 and then I'm scheduled Monday, 1/23, Tuesday 1/24, Wednesday
6 1/25, Friday 1/27. Monday 1/30. Tuesday 1/31, Wednesday 2/1.
7 And then that's when I'm supposed to go to Florida. That's
8 booked 12/2 to 12/5. Then I work 2/6, 2/7, and 2/8 which is a
9 Monday, Tuesday, Wednesday, and then I go back again Sunday
10 the 12th. Monday February 13th, Tuesday the 14th. Then
11 that's my week off of work. And then I come back. I have a
12 holiday on March 1st which is just, like, an extra day to add
13 to my vacation, and then I work March 2nd, March 3rd.

14 THE COURT: Okay. So if your employer's policy were
15 to pay you, let's say, for 10 jury duty days, then you would
16 run out of days by February 14?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: So the question is, what happens for the
19 days that you're scheduled February 14 and then March 2nd?
20 Those are days you're scheduled to work, but you wouldn't be
21 able to work because you're here --

22 THE PROSPECTIVE JUROR: Right.

23 THE COURT: And if the policy were, hypothetically,
24 only 10 days, there are two days beyond that. So the question
25 is would you get paid for those days.

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1 THE PROSPECTIVE JUROR: Right.

2 THE COURT: So that's the question, would you get
3 paid --

4 THE PROSPECTIVE JUROR: I don't know the answer.

5 THE COURT: -- for the days that you're on jury duty
6 and scheduled even after their policy on the days they'll pay
7 you for jury duty expires?

8 THE PROSPECTIVE JUROR: Right. Okay.

9 THE COURT: So we'll permit you to go back, get your
10 phone, and make the call. Just come back here if you're still
11 on hold.

12 THE PROSPECTIVE JUROR: Okay.

13 THE COURT: Just make sure you come back by
14 5:00 o'clock just so we can figure out what's going on.

15 THE PROSPECTIVE JUROR: So we want to make sure that
16 I'm getting paid for jury duty days, would they make me work
17 Friday, Saturday, Sunday, because if I already have corporate
18 on the phone, I might as well ask that, and if there's, like,
19 unlimited days, or if there's, like, you said --

20 THE COURT: Unlimited, yes. Because you said there
21 are two policies. You said the policy is they're paying you
22 if you're scheduled, but they also have a policy of maybe at
23 some point they stop paying you jury duty days?

24 THE PROSPECTIVE JUROR: Right.

25 THE COURT: So if you run out of jury duty days but

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1 you're still scheduled, are they going to pay you for those.

2 That is the question.

3 THE PROSPECTIVE JUROR: Right.

4 THE COURT: Were there any other questions?

5 MS. KOMATIREDDY: No. Thank you, Judge.

6 THE COURT: Again, sorry. You'll get your phone so
7 you can make the call.

8 THE PROSPECTIVE JUROR: Thank you.

9 (Prospective Juror Number 129 exits the courtroom.)

10 THE COURT: All right. Juror 133.

11 (Prospective Juror Number 133 enters the courtroom.)

12 THE COURT: Hi. How are you?

13 THE PROSPECTIVE JUROR: Hello.

14 THE COURT: You can put your bag and your coat on
15 the chair, if you want. Right to your right or whenever it's
16 comfortable. We put the chair there for you.

17 Okay. How are you doing?

18 THE PROSPECTIVE JUROR: I'm fine.

19 THE COURT: Okay. If you want to take your mask off
20 and you're comfortable, that's fine.

21 Great. So we have some questions for you based on
22 your questionnaire.

23 THE PROSPECTIVE JUROR: My what?

24 THE COURT: The questionnaire that you filled out,
25 we have some questions for you.

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: Okay.

3 THE PROSPECTIVE JUROR: I don't hear too well, so --

4 THE COURT: That's okay.

5 So you put down, in response to many of the

6 questions, that you didn't understand.

7 THE PROSPECTIVE JUROR: Mm hm.

8 THE COURT: So is it because you don't understand
9 English or there's something we can explain to you to help
10 you?

11 THE PROSPECTIVE JUROR: Maybe if you can explain,
12 then I could.

13 THE COURT: Okay. So let me go through this and see
14 if I can explain some of these questions to you.

15 So there is a question, for example -- for the
16 parties, it's question number 40. You were asked whether you
17 or a family member or close friend has ever been a witness to
18 or a victim of a crime.

19 THE PROSPECTIVE JUROR: If I was a witness to a
20 crime?

21 THE COURT: Yes. Have you ever been a witness to a
22 crime?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Have you been a victim to a crime?

25 THE PROSPECTIVE JUROR: No.

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1 THE COURT: And does anybody close to you, like,
2 family members that you've talked about, maybe, like,
3 something happened to them and you don't know about it, but
4 maybe something you know about?

5 THE PROSPECTIVE JUROR: I don't know because I'm not
6 close with my family.

7 THE COURT: I see. That's fine. And then let me
8 see about -- so is the issue that because the questions always
9 asked about family members, since you're not in contact with
10 them, you don't think you can answer the question?

11 THE PROSPECTIVE JUROR: Yeah, I can't answer it. I
12 don't know.

13 THE COURT: That's fine. And really the question is
14 about whether there are people that you have contact with, so
15 that's why we say friends and family.

16 THE PROSPECTIVE JUROR: Oh.

17 THE COURT: But if you don't have contact with them,
18 that's okay. A lot of people don't have contact with family
19 members. So it would just be about you.

20 THE PROSPECTIVE JUROR: But I wasn't involved in
21 anything, like, violent.

22 THE COURT: Okay. Great. So let me pick another
23 question.

24 What kind of work do you do?

25 THE PROSPECTIVE JUROR: I work with the Board of Ed

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1 in the food service. I cook for the children in the school.

2 THE COURT: Okay. Is it the Board of Education?

3 THE PROSPECTIVE JUROR: Huh?

4 THE COURT: Is it the Board of Education?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: It's a public school?

7 THE PROSPECTIVE JUROR: Public school, yes, yes.

8 THE COURT: So you had said your English wasn't
9 great, but your English sounds perfect.

10 THE PROSPECTIVE JUROR: Read and write.

11 THE COURT: Yeah, reading and writing, okay. But
12 you were able to answer -- were you able to answer, you could
13 read and write English on the questionnaire, right?

14 THE PROSPECTIVE JUROR: To the best of my ability.

15 THE COURT: And you did great.

16 THE PROSPECTIVE JUROR: Thank you.

17 THE COURT: So let me look at some of these other
18 questions.

19 So you had one question where you said you didn't
20 understand. So let me ask you the question and maybe I could
21 explain it for you.

22 So this is question 49, and the question is, do you
23 have any opinions or beliefs concerning law enforcement, law
24 enforcement --

25 THE PROSPECTIVE JUROR: Repeat that.

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1 THE COURT: Do you have any opinions about law
2 enforcement, and law enforcement would be things like the
3 police or the prosecutor or federal agency like the FBI.

4 THE PROSPECTIVE JUROR: If I have any belief in
5 them?

6 THE COURT: Yeah. Do you have any feelings about
7 them that might make it hard for you to be fair in a case
8 where investigative agencies might be involved?

9 THE PROSPECTIVE JUROR: Oh, I don't know. Because I
10 don't know their work, so I can't comment on their rules and
11 regulations. So I don't know what to say.

12 THE COURT: Okay. So then you don't have any
13 opinions about them?

14 THE PROSPECTIVE JUROR: No, because I don't know
15 their rules and regulations.

16 THE COURT: Yeah. And if you were a juror, you
17 would hear testimony from people who would describe what they
18 do, and maybe somebody from the FBI will testify about what he
19 or she did.

20 Would you be able to listen to them and decide
21 whether to believe them and accept their testimony?

22 THE PROSPECTIVE JUROR: If I hear what they're
23 saying.

24 THE COURT: Okay. And do you think you would be
25 fair to somebody who was law enforcement the same way that

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1 there's a witness who's not law enforcement?

2 THE PROSPECTIVE JUROR: I think if I don't see
3 something or hear for myself, it's hard to believe.

4 THE COURT: I see. So if somebody came to court and
5 testified under oath that they saw something, would you -- you
6 know, would you be able to accept that testimony or would you
7 say, if I can't see it or I can't hear it, I don't believe it
8 happened?

9 THE PROSPECTIVE JUROR: I don't know. I don't know.
10 I don't -- how should I say? I don't try not to get involved
11 in something that I don't know. I don't want to put finger at
12 someone and then I'm apart of something what is negative or
13 positive.

14 THE COURT: Right.

15 MR. De CASTRO: No objection.

16 MS. KOMATIREDDY: No, objection, Your Honor.

17 THE COURT: So thank you very much. You're excused.
18 So you can go down to the second floor and tell the jury
19 office that the judge excused you from this trial.

20 THE PROSPECTIVE JUROR: Tell the judge what?

21 THE COURT: That you're excused.

22 THE PROSPECTIVE JUROR: Excused?

23 THE COURT: Yeah. You don't have to stay on this
24 case.

25 THE PROSPECTIVE JUROR: Okay. Thank you.

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1 THE COURT: Just make sure you stop on the second
2 floor and let them know that before you go.

3 THE PROSPECTIVE JUROR: The second floor?

4 THE COURT: The second floor.

5 THE PROSPECTIVE JUROR: Okay. Thank you.

6 (Prospective Juror Number 133 exits the courtroom.)

7
8 (Continued on the following page.)

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1 (Prospective Juror No. 134 enters.)

2 THE COURT: Hello. Juror Number 134. How are you
3 doing?

4 THE PROSPECTIVE JUROR: I'm well. Thank you. How
5 are you?

6 THE COURT: Good. Thank you for your patience.

7 THE PROSPECTIVE JUROR: You're welcome.

8 THE COURT: We had a few follow-up questions for you
9 based on the questionnaire.

10 THE PROSPECTIVE JUROR: Surely.

11 THE COURT: You mentioned that you have some friends
12 and family members including a nephew who is a police officer.

13 THE PROSPECTIVE JUROR: That too.

14 THE COURT: Do you have a lot of contact with them?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: So there will likely be witnesses in
17 this case who are law enforcement. Will you be able to assess
18 their testimony just like any other witness who's not law
19 enforcement?

20 THE PROSPECTIVE JUROR: I don't see why not, yeah.

21 THE COURT: Would you have any bias for or against
22 law enforcement people?

23 THE PROSPECTIVE JUROR: I would hope not but, you
24 know, maybe it would depend on the particulars of --

25 THE COURT: Right.

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1 THE PROSPECTIVE JUROR: -- you know, the individual,
2 the statement at the time but, in general, probably not.

3 THE COURT: And the particulars are exactly what you
4 should be focused on.

5 THE PROSPECTIVE JUROR: Yes. Yes.

6 THE COURT: Because it's about a particular person
7 whose standing trial.

8 THE PROSPECTIVE JUROR: Sure.

9 THE COURT: And a particular case that the
10 government is bringing so you need to look at the particulars.

11 THE PROSPECTIVE JUROR: Yes, no question.

12 THE COURT: And if you form an opinion based on the
13 particulars, that's okay. The question is whether you have
14 already decided or you have a preconception or you have a bias
15 before the trial starts.

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: So do you think you can be fair and
18 impartial in this case?

19 THE PROSPECTIVE JUROR: I think so, yeah.

20 THE COURT: Okay. You mentioned that you have a
21 friend or friends who are lawyers but they are involved in
22 real estate and tax.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Do you talk about legal issues with
25 them?

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1 THE PROSPECTIVE JUROR: No. That stuff is very
2 boring to me so I try not to, no.

3 THE COURT: Okay. Well, at some point, if you're
4 picked to be a juror in this case, Judge Cogan will instruct
5 you on what the law is.

6 THE PROSPECTIVE JUROR: Sure.

7 THE COURT: And would you be able to follow
8 Judge Cogan's instruction?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: You also talked about your family being
11 robbed at gunpoint in the '70s.

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Or family member.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: So do you think that experience -- there
16 was in arrest, you said?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Is there anything about that experience
19 that would make you not fair in this case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: You also mentioned that you had been
22 sued by a customer.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: That's a civil case, not a criminal
25 case.

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: But does that lead you to have any
3 feelings about the judicial system that would not make you not
4 fair?

5 THE PROSPECTIVE JUROR: No, no, not at all.

6 THE COURT: Okay. And you've sat on a jury before,
7 right?

8 THE PROSPECTIVE JUROR: Yes, twice, yes.

9 THE COURT: Okay. And one of them was a civil case
10 and you also sat on a criminal case so you know that there's a
11 difference in the standard of proof --

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: -- in that this is a criminal case. The
14 standard of proof is beyond a reasonable doubt.

15 THE PROSPECTIVE JUROR: Uh-huh.

16 THE COURT: Okay. Then you said you've heard of
17 El Chapo and you've been to the Mexico City airport.

18 THE PROSPECTIVE JUROR: Multiple times, yeah.

19 THE COURT: Do you think that -- let's start with
20 Mexico City. The fact that you've been to Mexico, will that
21 affect your ability to be fair in this case?

22 THE PROSPECTIVE JUROR: It might. It was -- it was
23 I don't want to say upsetting but it was, it was tough. I
24 mean I went there on business and the people from my company
25 said, you know, Only look for us, don't get in a taxi, don't

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1 speak to anybody in there. And, you know, there was armed
2 militia on every street corner.

3 When I went into the office building to meet with
4 the customer who we were supposed to be meeting with, I had to
5 give up my passport in order to get into the building. And
6 the office was a converted bank and the executives that we
7 were meeting with were on a floor with the bank vault so that
8 if anybody came to kidnap them, they looked themselves in the
9 vault. That was just so foreign to me and it was -- it kind
10 of leads you to believe, you know, why am I even here. So it
11 was, it was an eye-opener, that's for sure.

12 THE COURT: Well, it's always an eye-opener to
13 travel to different countries, different societies.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: People in different parts of the world
16 do different things.

17 THE PROSPECTIVE JUROR: Sure.

18 THE COURT: And they react to different things in
19 different ways. You can imagine what somebody from a
20 different country coming here might think based on what they
21 see.

22 THE PROSPECTIVE JUROR: Sure.

23 THE COURT: So the question is whether that has
24 caused you to form an opinion that would affect your ability
25 to be fair in this case where one particular individual has

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1 had criminal allegations lodged against him, you know, or not.
2 So that's the real question, whether you can be fair to the
3 government in this case that has brought the charges and also
4 to the defendant who's accused.

5 THE PROSPECTIVE JUROR: Well, knowing what I was
6 told at the time as to why kind of the environment there was
7 the way it was is kind of related to, you know, what we are
8 here for in terms of drugs and corruption and things like
9 that. So I did -- it still has -- you know, it's hard to just
10 disregard totally for me.

11 THE COURT: Right. Right. So even though that's
12 sort of the general background of what was happening at the
13 time that you went there --

14 THE PROSPECTIVE JUROR: Right, right.

15 THE COURT: -- and the individuals who were reacting
16 to a situation, could you be fair in this case when it's not
17 about the society, it's not about corruption generally or drug
18 trade generally. It's about whether one person was involved
19 enough that there is a case beyond a reasonable doubt against
20 that person.

21 Do you think you could set aside those things and be
22 fair in this case to the government and to this one person?

23 THE PROSPECTIVE JUROR: I would hope so. It's
24 like -- yeah. I -- the intellectual side of me says yes, I
25 can, but until, until I'm actually hearing it. I would be

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1 untruthful right now if I would say 100 percent, definitely no
2 problem.

3 THE COURT: Right. Okay. And since you've
4 mentioned that you had been in Mexico and you had seen these
5 things, do you think even if there was no evidence presented
6 of what you described, that you would be using that as
7 additional information about what was happening?

8 THE PROSPECTIVE JUROR: I would hope not.

9 THE COURT: It's an exercise of putting things out
10 of your mind.

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: And sometimes you can do it and
13 sometimes you can't.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: So the question is whether you could.

16 THE PROSPECTIVE JUROR: Again, I would hope so. I'm
17 not trying to be evasive.

18 THE COURT: No. No. That's fine. We want you be
19 to be honest. These are really hard questions.

20 THE PROSPECTIVE JUROR: I would hope I would but ...

21 MR. DE CASTRO: No objection from the defense. I'm
22 sorry, Judge. No objection.

23 THE COURT: Thank you.

24 MS. KOMATIREDDY: We just want you to complete your
25 questioning, Your Honor.

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1 THE COURT: So thank you for letting me know those
2 things.

3 Then you mentioned you knew or you had heard about
4 El Chapo. This case, his name is likely to come up in the
5 course of this case. So do you think that you would be able
6 to put those things out of your mind and just listen to the
7 evidence in this case?

8 THE PROSPECTIVE JUROR: Yes, definitely, yes.

9 THE COURT: What additional questions have I missed?

10 MS. KOMATIREDDY: Nothing from the government,
11 Your Honor.

12 THE COURT: All right. Well, actually, you had one
13 more response about drug policy and you said that you would
14 support legalizing drugs if it meant that the product would be
15 safer.

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: And there would be tax revenue from it.

18 Can you just -- so cocaine which is the subject of
19 this, the allegations here, is illegal.

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: And so would you be able to accept that
22 as part of your analysis of the case or would you be thinking,
23 well, it should be legalized?

24 THE PROSPECTIVE JUROR: Well, it's not up to me to
25 decide what's legal or not, but if the government decides to

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1 legalize drugs, then I think it's a good thing for society for
2 that particular drug, but I'm not if they've done it for some,
3 they should do it for all, no.

4 THE COURT: But in this case, the way it's been
5 charged, cocaine is illegal, distributing cocaine is illegal,
6 trafficking cocaine is illegal.

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: So would you be able to follow the law?

9 THE PROSPECTIVE JUROR: Of course, yes.

10 THE COURT: Were there other questions?

11 MS. KOMATIREDDY: Your Honor, if we can have one
12 more follow-up regarding the trip to Mexico, whether he can be
13 fair and impartial in regards to that.

14 THE COURT: Okay.

15 So how long were you in Mexico?

16 THE PROSPECTIVE JUROR: I was there probably five or
17 six times, each time for two to three days.

18 THE COURT: Okay. And it sounds like you were there
19 for work.

20 THE PROSPECTIVE JUROR: For business, yes.

21 THE COURT: And in that business environment, were
22 you -- what you described, was that the case every time you
23 went or did it change over time?

24 THE PROSPECTIVE JUROR: No. It was all within
25 probably a four or five month period so it was pretty

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1 constant.

2 THE COURT: And when was the last time you were
3 there or what was the time period when you were there? It
4 doesn't have to be precise. Just the year.

5 THE PROSPECTIVE JUROR: It was before 9/11 so it was
6 probably 2000, 2001.

7 THE COURT: Well, that's some time ago.

8 THE PROSPECTIVE JUROR: It was.

9 THE COURT: So do you know how things are now?

10 THE PROSPECTIVE JUROR: I don't. I haven't been
11 there since, no.

12 THE COURT: Okay. So if there's testimony that
13 things are not that way, would that be -- would you say, I was
14 there, I beg to differ?

15 THE PROSPECTIVE JUROR: No. I mean, if it's stuff
16 that happened today, I wouldn't just assume things are the
17 same.

18 THE COURT: Okay. And if it happened some short
19 time after that but not exactly in that time period, would you
20 still maybe put your own picture of what it was like there or
21 would you say --

22 THE PROSPECTIVE JUROR: I would hope not, I would
23 hope not, but ...

24 THE COURT: Okay. You know yourself better than
25 anybody else so I'll take your word for it but I just need to

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1 know if you think you could rather than hope.

2 THE PROSPECTIVE JUROR: It's a little -- I can't say
3 definitively, I can't. I would hope I wouldn't but ...

4 THE COURT: Right. Right.

5 THE PROSPECTIVE JUROR: It's like somebody saying
6 if I was ever in a situation where somebody came in to rob the
7 place, I would knock the guy out. I don't know. I could be
8 curled up in a corner wetting myself.

9 THE COURT: That's fair.

10 THE PROSPECTIVE JUROR: You would hope you would do
11 the right thing at the time but ...

12 THE COURT: It's hard to say.

13 THE PROSPECTIVE JUROR: It would be hard to say.

14 THE COURT: And the scenario you're talking about, I
15 totally agree with you. People say I would do this and you
16 don't know.

17 THE PROSPECTIVE JUROR: Yes. Yes.

18 THE COURT: But that's an exceptional circumstance.
19 So what you're talking about here is sort of more everyday
20 life where when you're asked to make an important decision,
21 you kind of know how you would make decisions and so there's a
22 little bit more predictability to this.

23 THE PROSPECTIVE JUROR: Yes. Yes.

24 THE COURT: So given that you would be approaching
25 this as another important decision in your life and you would

Sidebar

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1 look at all the evidence, consider all the different angles,
2 hear what other people had to say about it, decide what to
3 accept, what to reject, what to believe, what not to believe,
4 and you put it all together, do you think you could be fair in
5 a case that involved allegations of drug trafficking involving
6 Mexico?

7 THE PROSPECTIVE JUROR: Yes, I could.

8 THE COURT: Okay. All right. And what you know
9 about from your trip, would you be able to set that aside and
10 just say, well, you know, that's, that was my experience.

11 THE PROSPECTIVE JUROR: At that point in time,
12 right.

13 THE COURT: Yes, and maybe other, I only got a small
14 piece of it so I don't know the full picture or other people
15 had a different experience, you know, would you be able to
16 allow for that?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: So you could be a fair and impartial
19 juror for this case.

20 THE PROSPECTIVE JUROR: Yes.

21 MR. DE CASTRO: Judge, can we have a sidebar?

22 THE COURT: Sure.

23 (The following occurred at sidebar.)

24 MR. DE CASTRO: You gave the juror a scenario where
25 it was sort of slightly after he was there. This actually

Sidebar

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1 overlaps the time that my client who was an official in the
2 government and they're accusing him of being corrupt. And
3 what he said, I don't think he fully got it out but he said
4 that the people at the meeting said that there was corruption.
5 And so he is going -- literally the case is from this time
6 period.

7 THE COURT: Okay.

8 MR. DE CASTRO: My client was in government from
9 late '90s until 2012.

10 THE COURT: I was thinking about 2002. Okay.

11 MR. DE CASTRO: Yes.

12 THE COURT: So I can ask him -- it's not impossible
13 for someone to put those things out of their head.

14 MR. DE CASTRO: Yes.

15 THE COURT: So I'll clarify that the time period may
16 overlap and then the hearsay statements that the people he was
17 dealing with might have said about their opinion and whether
18 he could keep those out of his mind.

19 MR. DE CASTRO: And if you can also maybe mention
20 that he is a law enforcement official, at the time, he was a
21 law enforcement --

22 THE COURT: A government --

23 MR. DE CASTRO: A government, a Mexican government
24 law enforcement official at the time.

25 THE COURT: Okay. I'll ask that.

Sidebar

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1 MS. KOMATIREDDY: The charges are 2001 to 2020 but
2 Mr. De Castro is right, there will be evidence --

3 THE COURT: There's some --

4 MS. KOMATIREDDY: -- there will be evidence that
5 Mr. Garcia Luna was in the intelligence community in the '90s,
6 not quite, but sure.

7 MR. DE CASTRO: Sort of.

8 MS. KOMATIREDDY: So I think --

9 THE COURT: Let me get that straight. So we're
10 talking about the time period from '90s?

11 MS. KOMATIREDDY: The charges are 2001 to 2020, the
12 charged conduct, but Mr. Garcia Luna was a government official
13 in the intelligence agency prior to that. He was in law
14 enforcement starting in 2001.

15 THE COURT: So intelligence and in law enforcement.

16 MS. KOMATIREDDY: I think to the extent that he made
17 a reference to, he made a reference to corruption generally --

18 MR. DE CASTRO: Yes, he just sort of said --

19 MS. KOMATIREDDY: I don't know that there's going to
20 be any dispute that there's corruption, that some people in
21 the Mexican government are corrupt. I think the question is
22 can he decide if this individual was one of those people even
23 if he believed other people were, they're not part of the
24 trial.

25 MR. DE CASTRO: Because this person's -- we're

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1 hiding in our vault because the entire law enforcement
2 community is corrupt, that's a problem.

3 THE COURT: Right. Although people can overreact.

4 MR. DE CASTRO: Sure. Of course.

5 THE COURT: That's why I asked about the scenario in
6 the United States where terrorist acts are occurring every
7 day.

8 MR. DE CASTRO: Well, I think we can ask the
9 question.

10 THE COURT: So I'll ask about the time period, I'll
11 clarify the time period, and then I'll mention the defendant
12 was a particular government official in intelligence and law
13 enforcement during this time period. And was there anything
14 else?

15 MS. KOMATIREDDY: Similar to the questions you've
16 been asking about when people say drugs are terrible and you
17 say, well, the question is was this person involved in what
18 you think is terrible, it may be you're against corruption but
19 the question here is whether he was involved in it.

20 THE COURT: Yes. Okay. Great. Thanks.

21 (In open court; sidebar ends.)

22 THE COURT: Thank you for your patience. You've
23 given us a lot to think about and I wanted to clarify a couple
24 of things I said.

25 THE PROSPECTIVE JUROR: Sure.

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1 THE COURT: So I talked about the things here
2 happening after the time period you're talking about but, in
3 fact, there will be some overlap in the time period.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: The charges here stem from 2001 to 2020.
6 And then there will be testimony about the defendant's
7 involvement as a government official of the Mexican government
8 in intelligence and law enforcement as early as the 1990s.
9 Okay?

10 THE PROSPECTIVE JUROR: All right.

11 THE COURT: So there is some overlap and I didn't
12 want to give you the wrong impression. So notwithstanding
13 there was an overlap in the time that you experienced and is
14 being alleged here, would you be able to put your specific
15 experience out of your mind, listen to just the evidence
16 that's presented here and judge the case on the specifics of
17 this case?

18 THE PROSPECTIVE JUROR: With him, it's from the
19 '90s?

20 THE COURT: Yes.

21 THE PROSPECTIVE JUROR: I think so, yes.

22 THE COURT: In other words, you're one person.

23 THE PROSPECTIVE JUROR: Right.

24 THE COURT: You were there for a particular purpose
25 at a particular time. You met particular people. Particular

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1 people may have particular experiences --

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: -- and beliefs and they might react in a
4 certain way, but would you be able to say that was specific to
5 that, my experience, but I'm going to listen to what people
6 are telling me in court that might have a different experience
7 or different view and accept that for purposes of this
8 purpose?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: So you can put that --

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: -- put your own personal experience
13 aside and judge just based on what is presented to you in
14 court?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Was there any other follow-up?

17 MS. KOMATIREDDY: Not from the government,
18 Your Honor.

19 THE COURT: Okay. Wonderful. Thank you so much and
20 I appreciate your spending so much time with us.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: These are difficult issues. So go back
23 across the hall and we'll get back in touch with you.

24 THE PROSPECTIVE JUROR: Thank you.

25 (Prospective Juror No. 134 exits.)

Prospective Juror No. 136

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1 THE COURT: Juror 136.

2 (Prospective Juror 136 enters.)

3 THE COURT: Hello. How are you doing? Come up to
4 the podium. You can put your bag on the chair. You can keep
5 your mask on or you can take it off, whatever is comfortable
6 for you.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: That's the microphone so don't touch it.
9 It's picking up what you're saying.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: How are you doing?

12 THE PROSPECTIVE JUROR: Pretty good, thank God.

13 THE COURT: Okay. Good. So I understand you're a
14 retired nurse?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. How long have you been retired?

17 THE PROSPECTIVE JUROR: The first COVID, I was there
18 and the second one, I decide to, you know, so roughly like two
19 years.

20 THE COURT: Right. Okay. Good.

21 So we had a couple of questions for you. Okay? So
22 on the questionnaire, you said that you found that laws are
23 complicated and so you might have a problem sitting in
24 judgment of another person.

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Can you explain that a little bit?

2 THE PROSPECTIVE JUROR: Well, it depends on
3 situations because there might be a case where that person is
4 guilty, let's say, but according to the rules of the law, they
5 may end up being not guilty. So it's, sometimes it's a little
6 confusing.

7 THE COURT: Okay. And so -- thank you for
8 explaining that.

9 THE PROSPECTIVE JUROR: I mean it's just my view. I
10 might be wrong.

11 THE COURT: Of course, yes, yes. So if you are a
12 juror, you will listen to evidence and you can make decisions
13 about, you know, whether somebody is credible and whether the
14 evidence has shown certain things. Judge Cogan will tell you
15 what the rules are and what the law is. All right? And so if
16 Judge Cogan tells you what the law is, would you be able to
17 follow what he tells you?

18 THE PROSPECTIVE JUROR: I guess so.

19 THE COURT: Yes? Okay. And so whether a person is
20 guilty or not is both a question of fact, right, did he do it,
21 and also a question of law whether it is a crime. And so when
22 you said you might think somebody is guilty but according to
23 the rules, he's not guilty, really, you can't find somebody
24 guilty unless he both did it and it's against the law. Do you
25 see what I'm saying?

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1 So would you be able, even if you believe somebody
2 did something and you thought it was wrong, if Judge Cogan
3 told you that wasn't against the law, what the person did, but
4 maybe something else is, would you be able to say, okay, I'm
5 going to follow what Judge Cogan told me and I'm not going to
6 find the person guilty even though I think he did it?

7 THE PROSPECTIVE JUROR: I can try.

8 THE COURT: You can try?

9 THE PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Okay. Do you think you'll be able to?

11 THE PROSPECTIVE JUROR: Yes. If the judge has come,
12 the judge came up with the facts and it looks as if, well,
13 it's the facts, we'll have to follow that facts.

14 THE COURT: Okay. Well, as a juror, you would find
15 what the facts are.

16 THE PROSPECTIVE JUROR: Well, yes.

17 THE COURT: So you would hear the evidence and the
18 jurors will testify and like I said, you can believe or not
19 believe the juror based on what you see and hear and then
20 you'll have evidence, you may have other evidence or you may
21 not, and then you can decide what happened. Okay? So that's
22 up to you. The judge won't tell you what happened. The judge
23 will just let the evidence come in. So you will decide what
24 happened, but the judge will tell you whether certain things
25 are legal or not. So certain things may be against the law

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1 while other things aren't and so Judge Cogan will tell you
2 what things need to be proven before you can find somebody
3 guilty.

4 So I just wanted to make sure that you could follow
5 what Judge Cogan tells you. So they say you need to find this
6 thing and this thing and that thing, and you only found that
7 the first two things happened but not the third, then you
8 would have to find not guilty. Even though you found that the
9 person did something, you couldn't find the person guilty
10 because it's not a crime unless those, all of those things are
11 found. Do you follow?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Do you think you can do that?

14 THE PROSPECTIVE JUROR: Yes, I'll try.

15 THE COURT: Okay. Great.

16 So you said that you had some concerns about some
17 government agencies. There was a list that included the NYPD
18 and the FBI and you said some of them, not all, act very
19 biased toward their fellow man. So can you tell me how that
20 might affect your ability to be a juror?

21 THE PROSPECTIVE JUROR: Well, I was never arrested
22 or anything, thank God, but I had an, my -- this is my
23 personal experience with a police officer.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: And that's -- I'm telling

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1 you the truth, that's exactly how I felt. I -- my husband
2 died in 9/11.

3 THE COURT: I'm so sorry.

4 THE PROSPECTIVE JUROR: He was my lawyer -- well,
5 you know, we made decisions together, let's say, not in the
6 court. He was my mechanic, my tailor, everything. And I had
7 an old car that I used to drive to work because I worked at
8 Brooklyn for 20 something years and I said, Oh, my God, my
9 husband is gone now, I need to get a good mechanic, let me get
10 me something comfortable that I can drive to last me a number
11 of years so I don't have to hurt my head.

12 And there was a little party for the senior citizens
13 at the job and I decide to buy the ladies pizza. So in my
14 area, I live Canarsie, there's a Pizza Hut there. That was
15 years ago. That was closed now. I said let me drive in there
16 and pick up at least, according to the numbers, I'll pick up,
17 like, five boxes of pizza that I can take for them. Prior to
18 that, I had bought myself a brand new car. It was a
19 Mercedes-Benz.

20 So I bought the pizzas, went in, put it in the back
21 seat, went into the car. This is in, like, a little mini
22 mall-like compound, and I didn't have my -- after I went into
23 the car, I started the car. I started to put on my seatbelt
24 rolling not as far as that wall. I buckled up. There comes
25 the cop behind me, stops me. He said, Ma'am, I'd like to see

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1 your registration and your documents. I took it out and I
2 gave it to him. He said, well, I have to give you a ticket,
3 I'm going to charge you because you weren't wearing your
4 seatbelt.

5 I should have had it on but I just move off and I
6 explained to him, in other words, like begging him, Oh, I'm
7 sorry, I'm sorry. I'm not even out on to Flatlands yet. He
8 said, No, he can't do anything about that. He said, But you
9 don't have -- You're driving a brand new Mercedes-Benz and
10 you're not wearing your seatbelt, he said. I didn't want to
11 argue with him. I didn't want to fight so I took the ticket.

12 It affect my license because it was a moving
13 violation and I was really, really mad. It's not to say -- I
14 mean according to the law, I should have been wearing my
15 seatbelt. I just moved off. I didn't even reach out of the
16 mall yet, mini mall, the small area to turn on to Flatlands
17 which starts by that mall and he comes and he gives me a
18 ticket. I don't think that was fair.

19 THE COURT: Yes, I could understand why you --

20 THE PROSPECTIVE JUROR: So like that, I always keep
21 this in the back of my head.

22 THE COURT: Yes, okay. So how do you think that
23 might affect you if you were a juror?

24 THE PROSPECTIVE JUROR: Well, it depends.

25 THE COURT: It depends on what?

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1 THE PROSPECTIVE JUROR: It depends on the situation,
2 I mean, the evidence, the case.

3 THE COURT: Okay. And so as long as you're deciding
4 the case based just on what you see in court and the evidence
5 that's presented to you in court without thinking about other
6 things that may have happened in your life, then it sounds
7 like you can be fair.

8 What we don't want is for somebody to be biased
9 against one side or the other because of something not that
10 they did but that, something that happened many years ago to
11 you. It's not the same police officer. It's someone else.
12 So the question for you is are you going to hold that against
13 other law enforcement officers what that one officer did to
14 you?

15 THE PROSPECTIVE JUROR: It always keeps popping up
16 in my mind but if I'm chosen, I'll do my best.

17 THE COURT: Can you put that out of your mind?

18 THE PROSPECTIVE JUROR: Yes, I try.

19 THE COURT: And be fair towards a police officer?
20 Do you think you could do it? Do you think you would be able
21 to?

22 THE PROSPECTIVE JUROR: Well, yes.

23 THE COURT: Okay. And so if a police officer
24 testified, would you judge his testimony differently because
25 it's a police officer and you had that bad experience or would

Prospective Juror No. 136

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1 you judge it the same way you would for any other witness?

2 THE PROSPECTIVE JUROR: Well, if the case is there,
3 the facts is there, the officer is in his rights, I'll have to
4 go by that, putting everything behind.

5 THE COURT: I'm sorry?

6 THE PROSPECTIVE JUROR: Putting everything behind.

7 THE COURT: I see. Okay. Is there any reason you
8 think you could not be fair and impartial if you were a juror?

9 THE PROSPECTIVE JUROR: No, I'll be fair.

10 THE COURT: Okay. Great. So let me just see if
11 there was anything else.

12 You mentioned that you have a son-in-law or a cousin
13 who is involved in the legal profession.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you ever talk --

16 THE PROSPECTIVE JUROR: My, my son-in-law's first
17 cousin.

18 THE COURT: I see, okay.

19 THE PROSPECTIVE JUROR: He is a lawyer.

20 THE COURT: What kind of law is that, do you know?

21 THE PROSPECTIVE JUROR: I'm not sure and I don't
22 want to commit myself.

23 THE COURT: That's okay. Do you ever talk to that
24 person about law?

25 THE PROSPECTIVE JUROR: Not really. For the

Prospective Juror No. 137

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1 holidays, during the Christmas but no, just time to hang out
2 and enjoy the season and the good food that I cook.

3 THE COURT: It sounds wonderful.

4 So I think I asked you already but if Judge Cogan
5 instructs you on what the law is, would you be able to follow
6 that law and not worry about what somebody else might have
7 explained the law was?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. Great.

10 Are there any follow-up questions?

11 MR. DE CASTRO: No, Your Honor.

12 MS. KOMATIREDDY: No thank you, Judge.

13 THE COURT: Thank you very much. You can go back
14 across the hall.

15 THE PROSPECTIVE JUROR: You're very welcome. Thank
16 you.

17 (Prospective Juror No. 136 exits.)

18 THE COURT: All right. So Juror Number 137, what
19 should I focus on?

20 MS. KOMATIREDDY: 71, Your Honor.

21 MR. DE CASTRO: I think we have 47 as well.

22 THE COURT: Juror 137.

23 (Prospective Juror No. 137 enters.)

24 THE COURT: Come up to the podium, please.

25 How are you doing? You can put your bag down if you

Prospective Juror No. 137

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1 want. How are you?

2 THE PROSPECTIVE JUROR: Good. Good afternoon.

3 THE COURT: We have a few follow-up questions for
4 you based on your questionnaire. Okay?

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: So the first thing is that you said that
7 your company has a three day jury duty paid leave policy.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: So after three days, you wouldn't get
10 paid?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: And would that be a hardship for you?

13 THE PROSPECTIVE JUROR: Of course. I work by the
14 hour.

15 THE COURT: I see. What kind of work do you do?

16 THE PROSPECTIVE JUROR: I'm a warehouse associate.
17 I'm a shipping coordinator.

18 MR. DE CASTRO: We have no objection.

19 MS. KOMATIREDDY: No objection, Your Honor.

20 THE COURT: So thank you for letting us know.
21 You're excused.

22 THE PROSPECTIVE JUROR: Thank you.

23 (Prospective Juror No. 137 excused.)

24 THE COURT: So should we take a break? We've gone
25 for almost two hours. I'm intending to go to 5:30. I think

Jury Selection

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1 we should finish by then. So let's take a break and come back
2 at 3:35 and then we'll resume with 138.

3 MS. KOMATIREDDY: Thank you, Judge.

4 (Recess taken.) (Court resumed.)

5 THE COURT: We are back on the record.

6 Let's do four more jurors, 138, 142, 143 and 144.

7 Juror 129 said she made some phone calls. She
8 doesn't have a complete set of answers but if we want to have
9 her call in at that point, we can do that. All right? So
10 that's my proposal.

11 Tell me what you would like me to ask, which
12 questions you would like me to focus on?

13 THE INTERPRETER: Is your microphone on?

14 THE COURT: It is. Do I need to repeat anything?

15 THE INTERPRETER: Yes, please.

16 THE COURT: It's making noise. Is this better? It
17 is a little bit softer. Is that okay?

18 THE INTERPRETER: Yes.

19 THE COURT: So I wanted to let the parties know that
20 Juror 129 made some phone calls and had some answers for us,
21 not complete answers. So I propose that we go through four
22 jurors and then call 129 and see at that point.

23 Can the interpreters hear me?

24 THE INTERPRETER: We can. It's distorted.

25 THE COURT: I can hear it go in and out a little

Jury Selection

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1 bit.

2 THE INTERPRETER: There's an echo.

3 THE COURT: It's because I don't have the cover but
4 when I put the cover on, is that better?

5 MR. DE CASTRO: It was actually better before this
6 last try.

7 THE COURT: There's usually a foam cover on this
8 which makes the microphone work well. It disintegrated
9 yesterday. It's shedding all over the bench so it was removed
10 without a replacement so I can't tell if that is causing a
11 problem. As I speak now, are you hearing me? So maybe -- I
12 have a volunteer for a new foam cover.

13 Is this better?

14 MS. KOMATIREDDY: Yes, Judge.

15 THE COURT: Can you hear me? Okay. Problem solved.
16 Thank you very much. I'm going to put this back on. Is that
17 okay? All right.

18 Okay. So the next juror is Number 137.

19 MS. KOMATIREDDY: We struck 137. I believe we're at
20 138.

21 THE COURT: Yes.

22 MS. KOMATIREDDY: And our main question on this was
23 the hardship.

24 THE COURT: All right. Anything else?

25 MR. DE CASTRO: Judge, yes, we have hardship but

Prospective Juror No. 138

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1 also 44, 52, 55 and 56.

2 THE COURT: And then for Juror 142?

3 MS. KOMATIREDDY: 36, 42, 44, 49, 50, 62 and 66,
4 please.

5 MR. DE CASTRO: Sorry. I didn't hear some of those.

6 THE COURT: Just tell me what you --

7 MR. DE CASTRO: Sorry about that. 36, 38, 40, 42,
8 43, 44 through 48. This is for Juror 142. Correct?

9 THE COURT: Yes.

10 MR. DE CASTRO: 59, 59 through 62 and 66.

11 THE COURT: IT is here to check the mic. We're off
12 the record while we test the microphone.

13 (Discussion off the record.)

14 THE COURT: So let's go back on the record. Thank
15 you.

16 Let's call in Juror 138.

17 (Prospective Juror No. 138 enters.)

18 THE COURT: Good afternoon, Juror 138. Come up to
19 the podium, please. Thank you.

20 We have a couple of follow-up questions based on the
21 answers you gave in the questionnaire. We'll start with your
22 hardship.

23 You mentioned that you and your wife have
24 responsibility for your two children.

25 THE PROSPECTIVE JUROR: Yes.

Prospective Juror No. 138

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1 THE COURT: Can you tell us a little bit about that?

2 THE PROSPECTIVE JUROR: Yes. So we do hybrid work.

3 So my wife works in the hospital so we take turns. We split
4 the days, two and three days. Two days, I go in, and then
5 three days, she goes in. We need the time in the morning,
6 afternoon to drop off our children at school which are 4 and 5
7 and pick them up at the end of the day.

8 THE COURT: Okay. And what time -- you say you
9 share that with your wife now?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: And if you were to sit on the jury
12 Monday through Thursday, what effect would that have?

13 THE PROSPECTIVE JUROR: So my wife wouldn't be able
14 to go into the office and she essentially can't work very
15 effectively in that situation.

16 THE COURT: What kind of work does she do?

17 THE PROSPECTIVE JUROR: She's, she runs a research
18 program at the hospital and she sees patients in, with, for
19 elderly patients, assessing them for dementia.

20 (Continued on next page.)

21

22

23

24

25

Prospective Juror No. 138

532

1 (continuing)

2 THE COURT: But you said you're doing hybrid work?

3 THE PROSPECTIVE JUROR: Yes. She also runs a
4 research program. So in the days that she's not seeing
5 patients, she does the research to write grants for funding.

6 THE COURT: Right, is she doing that work at home?

7 THE PROSPECTIVE JUROR: Yes. She does that at home.
8 When she needs to see patients she goes into the office. From
9 Monday to Thursday, if she had to not go in, then she wouldn't
10 be able to see the patient during that period of time.

11 THE COURT: Right. Do you know if there are people
12 who could take up some of that work if she's not there or
13 she's late maybe because she needs to drop off your children,
14 she could go in for part of time.

15 THE PROSPECTIVE JUROR: We don't have any
16 arrangements right now. We would have to find something, but
17 currently we don't have any arrangements otherwise.

18 THE COURT: Okay. So, I recognize that being on
19 jury duty could be an hardship. But if there was any way, if
20 you got picked to be on this jury, to make those arrangements
21 for the time on the jury, would you be able to manage?

22 THE PROSPECTIVE JUROR: Like anyone in life, you
23 have to deal with what your given. So, I mean, if that
24 happens, I'm sure we would find a way, but the -- it would be
25 very difficult, and very stressful in that process.

Prospective Juror No. 138

533

1 THE COURT: Right. And would that stress distract
2 you from paying attention as a juror or once it is done it is
3 done?

4 THE PROSPECTIVE JUROR: Possibly, because if we
5 couldn't find something, we would probably be put into a
6 situation where she would have to go in and just hope for the
7 best kind of situations, and that's -- that is a stressful
8 situation. That would play a burden on my mind.

9 THE COURT: Not to plan your life for you, but
10 sometimes if it's dropping off kids, if there is somebody else
11 at the school who can temporarily take your children until you
12 got home because there wouldn't be any over time here.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: You can pick them up, that might work.
15 Do you think you can make those arrangements to focus on the
16 trial?

17 THE PROSPECTIVE JUROR: Possibly, yeah.

18 THE COURT: Great. Thank you for letting us know.

19 I had a couple of other questions. You said that
20 you have some family and friends who are NYPD.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: So some of the witnesses in this case
23 will be law enforcement. Will you be able to assess their
24 testimony the same way you would a non-law enforcement
25 witness?

Prospective Juror No. 138

534

1 THE PROSPECTIVE JUROR: Yeah.

2 THE COURT: Do you have any bias for or against the
3 police based on you knowing police officers?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: You said that you have heard on 1010
6 News about the Mexican drug cartel and the arrest of El Chapo.
7 Do you agree anything that you have heard about the drug
8 cartels would affect your ability to be fair to this
9 defendant?

10 THE PROSPECTIVE JUROR: Well, I mean, any
11 unconscious bias aside, I guess I could assess any facts in
12 the best way that I could. Yeah. Yeah.

13 THE COURT: Sometimes the way to deal with
14 unconscious bias is to make it conscious, which is to say I
15 heard this but I'm going to put it out of my mind so I can
16 focus on this and focus on the trial. Do you believe you can
17 do that?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Well, you were asked the question about
20 the United States prosecuting crimes that where some things
21 happened outside the country and you asked, or you said that
22 you felt only the things that need to be done should be
23 prosecuted in the United States.

24 THE PROSPECTIVE JUROR: Right.

25 THE COURT: Do you remember that question?

Prospective Juror No. 138

535

1 THE PROSPECTIVE JUROR: Right.

2 THE COURT: So the issue of whether things can be
3 prosecuted in the United States even if they occurred outside
4 is an issue that a judge in this case has decided and that's
5 why we are having the trial here in the United States. So
6 would you be able to accept that, that that's just the way it
7 is?

8 THE PROSPECTIVE JUROR: Yeah.

9 THE COURT: Would you be able to follow a judge's
10 instruction? If Judge Cogan tells you these are the things
11 for you to consider and these are the things that you don't
12 need to consider, can you do that?

13 THE PROSPECTIVE JUROR: Yeah.

14 THE COURT: Good. And then you also said that less
15 harmful drugs should be legalized, like marijuana, but
16 controlled with its disbursement. This is a case that
17 involves cocaine, and allegations of cocaine trafficking. So,
18 do you think that your views on marijuana might affect your
19 ability to be fair in a case that involves cocaine?

20 THE PROSPECTIVE JUROR: Yeah. I suppose so. I
21 hadn't really given drug enforcement around cocaine any much
22 thought. So I suppose I could be as unbiased as I can.

23 THE COURT: Because cocaine is still illegal and
24 trafficking cocaine is illegal so you would only be assessing
25 whether the Government has proven its case beyond a reasonable

Prospective Juror No. 138

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1 doubt.

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: I want to make sure your views on
4 marijuana would not affect a case that involved cocaine.

5 THE PROSPECTIVE JUROR: No, it wouldn't.

6 THE COURT: Great. Is there any reason you could
7 not be a fair and impartial juror in this case?

8 THE PROSPECTIVE JUROR: No. No.

9 THE COURT: Okay, any follow-up questions?

10 MR. DE CASTRO: Just 71, Judge.

11 THE COURT: So, you stated that you weren't sure if
12 you would get paid if you were sitting on the jury. Is there
13 any way for you to check with your employer to find out?

14 THE PROSPECTIVE JUROR: I verified after that day I
15 would be paid.

16 THE COURT: You would be paid?

17 THE PROSPECTIVE JUROR: Yeah.

18 THE COURT: For the whole time?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Great. Thank you so much.

21 THE PROSPECTIVE JUROR: Uh-hum.

22 THE COURT: Anything?

23 MR. DE CASTRO: No, Judge.

24 MS. KOMATIREDDY: No. Thank you, Judge.

25 THE COURT: Thank you. You can go back across the

Prospective Juror No. 142

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1 hall.

2 (Prospective juror 138 exits courtroom.)

3 (Prospective Juror No. 142 enters.)

4 THE COURT: Hi, Juror No. 142, how are you doing?

5 THE PROSPECTIVE JUROR: Good you. Thank you.

6 THE COURT: If you want to put your bag on that
7 chair, you can. Make yourself comfortable. How are you
8 doing?

9 THE PROSPECTIVE JUROR: Good. Thank you.

10 THE COURT: We have some follow-up questions for you
11 based on the answers you gave on usual questionnaire and I
12 will start with the answer that you gave with regard to
13 federal agencies. You said that you had some doubts about the
14 FBI, especially not providing or withholding evidence, so can
15 you talk about that a little bit.

16 THE PROSPECTIVE JUROR: Just an example, the Hunter
17 Biden laptop story that's been out in the news knowing that
18 the FBI had that in their possession and didn't let the public
19 know bothers me.

20 THE COURT: How do you think that would affect your
21 assessment of a case where there may be some FBI agents who
22 testified?

23 THE PROSPECTIVE JUROR: It would affect my opinion
24 for sure.

25 THE COURT: How so?

Prospective Juror No. 142

538

1 THE PROSPECTIVE JUROR: I would probably not trust
2 totally what the testimony may be from agents.

3 THE COURT: You'll be instructed that for each
4 witness who testifies you will have to assess their
5 credibility and you have to look at things like their motive
6 to lie.

7 THE PROSPECTIVE JUROR: Uh-hum.

8 THE COURT: And their ability to observe. So if you
9 take all of those things into account, do you think you would
10 still not trust them?

11 THE PROSPECTIVE JUROR: Yes, I would not.

12 THE COURT: Just because they are FBI?

13 THE PROSPECTIVE JUROR: I think a lot of things we
14 hear about in the news lately comes from the top, so, yes,
15 that's correct. Not the individual agent so much, but from
16 the top, so I think it kind of comes from that.

17 THE COURT: When you say it comes from the top, from
18 the top of the FBI?

19 THE PROSPECTIVE JUROR: Well, I think it comes from
20 maybe not the agent in the field, so to say, but maybe
21 leadership.

22 THE COURT: And, so, you think that the leadership
23 might be telling agents to say things that are not truthful?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And you think that the agents would do

Prospective Juror No. 143

539

1 that?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: And do you think you could assess them
4 just by watching them and listening to them to figure out if
5 they're telling the truth and/or think they are not going to
6 be telling the truth?

7 THE PROSPECTIVE JUROR: I think they can be
8 convincing at the time, but I would have doubts about what
9 they are saying.

10 THE COURT: Would you be able to put those doubts
11 aside?

12 THE PROSPECTIVE JUROR: Not necessarily.

13 MS. KOMATIREDDY: No objection, Your Honor.

14 MR. DE CASTRO: No objection.

15 THE COURT: So you are excused, so you can go back
16 to the second floor and let the jury office know that you have
17 been excused from this trial.

18 THE PROSPECTIVE JUROR: Okay, thank you.

19 THE COURT: Thank you.

20 (Prospective juror 142 exits courtroom.)

21 THE COURT: Juror No. 143.

22 (Prospective Juror No. 143 present at sidebar.)

23 THE COURT: Yes, come up here.

24 How are you doing?

25 THE PROSPECTIVE JUROR: Doing well. Thank you.

Prospective Juror No. 143

540

1 THE COURT: Good. I had some follow-up questions
2 for you.

3 THE PROSPECTIVE JUROR: Excuse me?

4 THE COURT: I have some questions for you.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: To follow up on your questionnaire.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: So you mentioned that you have some
9 travel coming up. I will start there. On January 26 and 27?

10 THE PROSPECTIVE JUROR: 26 and 27, yes.

11 THE COURT: Okay. Where are you going?

12 THE PROSPECTIVE JUROR: Going to Boston. It's a
13 Christmas gift. I'm going to a Celtic's/Knicks' game.

14 THE COURT: It's next Thursday and Friday; is that
15 right?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: So the trial is not happening on Friday.
18 So if you left after court was out on Thursday, could you make
19 it?

20 THE PROSPECTIVE JUROR: If court -- if I left, what
21 time would court be out.

22 THE COURT: Around 5:00 or 5:30.

23 THE PROSPECTIVE JUROR: I doubt it. I'm not sure
24 what time the game starts.

25 THE COURT: Celtics game is on Thursday.

Prospective Juror No. 143

541

1 THE PROSPECTIVE JUROR: Thursday, yes.

2 THE COURT: You're trying to get up to Boston?

3 THE PROSPECTIVE JUROR: For an evening game.

4 THE COURT: And the tickets are non-refundable?

5 THE PROSPECTIVE JUROR: I don't think so, my

6 daughter bought them for me.

7 THE COURT: I see. All right. Let me ask you a
8 couple more questions.

9 THE PROSPECTIVE JUROR: Sure.

10 THE COURT: You said that you have a nephew's friend
11 is NYPD; is that right?

12 THE PROSPECTIVE JUROR: A nephew...

13 THE COURT: A nephew and a friend?

14 THE PROSPECTIVE JUROR: A nephew and a friend, yes.

15 Well....

16 THE COURT: The fact that you have these law
17 enforcement ties, do you think that would affect your ability
18 to be fair?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: And you also talked about your brother's
21 experience in college, specifically he had some drug charges
22 against him. Do you think that that would affect your ability
23 to be fair in this case that involves drug trafficking?

24 THE PROSPECTIVE JUROR: No, I don't think so.

25 THE COURT: You also mentioned that you had heard

Prospective Juror No. 143

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1 about El Chapo and that his girlfriend had helped him escape.
2 His name is likely to come up in this case.

3 THE PROSPECTIVE JUROR: Right.

4 THE COURT: Do you think what you know about El
5 Chapo --

6 THE PROSPECTIVE JUROR: That's about all I know.

7 THE COURT: Great.

8 You said you don't know if you would be paid, but
9 you're retired.

10 THE PROSPECTIVE JUROR: No, no, there is no issue
11 with getting paid.

12 THE COURT: No issue. Great.

13 Is there any reason you could not be fair and
14 impartial in this case?

15 THE PROSPECTIVE JUROR: I can't think of any.

16 THE COURT: Great. Is there any follow-up
17 questioning?

18 MS. KOMATIREDDY: Just number 37, Your Honor.

19 THE COURT: Okay. So you sat on a civil jury trial
20 once before and you said you did not reach a verdict. Do you
21 know --

22 THE PROSPECTIVE JUROR: Yes, I got selected, I guess
23 you call it impanelled, and then I guess they settled out of
24 court.

25 THE COURT: Did you actually listen to evidence?

Prospective Juror No. 143

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1 THE PROSPECTIVE JUROR: No. We didn't even get
2 started, I just got seated.

3 THE COURT: Excellent. Is there anything about that
4 experience that would make it difficult for you to serve in
5 this case?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Anything else?

8 MR. DE CASTRO: Judge, can we find out who he is
9 rooting for?

10 THE COURT: No.

11 MR. DE CASTRO: Just a joke.

12 THE PROSPECTIVE JUROR: Can I answer it anyway?

13 THE COURT: Thank you very much. You can go back
14 across the hall.

15 THE PROSPECTIVE JUROR: Thank you.

16 (Prospective juror 143 exits courtroom.)

17 THE COURT: Let's go through a batch of the jurors
18 starting with 144. What should I be focusing on?

19 MS. KOMATIREDDY: 62, primarily, Your Honor, 56, and
20 43. 38 and 43, same thing.

21 MR. DE CASTRO: I think 58. We would have 58.
22 That's it.

23 THE COURT: How about Juror No. 145?

24 MS. KOMATIREDDY: 66, that's all from us.

25 MR. DE CASTRO: We have 40, 52, 53, 54 and 58.

Prospective Juror No. 144

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1 THE COURT: Juror No. 147.

2 MS. KOMATIREDDY: 69, please.

3 MR. DE CASTRO: Same.

4 THE COURT: 148.

5 MS. KOMATIREDDY: 36 and 42, please.

6 MR. DE CASTRO: 64 and 71.

7 THE COURT: And 149.

8 MS. KOMATIREDDY: 40, 44, 50, 55, 56, and 69,
9 please.

10 MR. DE CASTRO: Agreed.

11 THE COURT: Okay. At that point, we will have 129,
12 so we are going to go through 144, 145, 147, 148, 149, and
13 then we will have 129.

14 MS. KOMATIREDDY: Okay.

15 THE COURT: So we will bring in juror 144.

16 (Prospective Juror No. 144 enters.)

17 THE COURT: Hello, how are you?

18 THE PROSPECTIVE JUROR: Good. Thank you.

19 THE COURT: Stand at the podium. We have follow-up
20 questions for you based on your answers to the questionnaire.
21 You can keep your mask off or talk it off, whatever you are
22 comfortable with.

23 So the question there was about some government
24 witnesses who may testify pursuant to an agreement with the
25 Government.

Prospective Juror No. 144

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: And you said that you would not believe
3 or trust in what the witness' testimony is and then you also
4 said that it's hard for you to think that the case cannot be
5 proved beyond a reasonable doubt. So can you explain that?

6 THE PROSPECTIVE JUROR: Well, for the first one,
7 it's hard for me to take what they're saying as truth because
8 they want a little more -- some time off of their case, so I
9 can't believe what they are saying to me because I think it's
10 a lie.

11 And the second one, can you repeat that again for
12 me, please?

13 THE COURT: The question is: It says the law does
14 not require the Government use any specific investigative
15 technique or present a specific type of evidence to prove its
16 case.

17 THE PROSPECTIVE JUROR: I misread the question. I
18 didn't understand the question when I read it.

19 THE COURT: Okay.

20 THE PROSPECTIVE JUROR: But I believe they should
21 have that right.

22 THE COURT: Well, I think the question is related to
23 the cooperating witness. So let me start with your first
24 question and answer. So you said it would be hard to believe
25 somebody who's trying to get someone off the case.

Prospective Juror No. 144

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1 THE PROSPECTIVE JUROR: Right.

2 THE COURT: For every witness you're going to have
3 to decide whether to believe him or her.

4 THE PROSPECTIVE JUROR: Correct.

5 THE COURT: For every witness you'll be watching
6 them and listening.

7 THE PROSPECTIVE JUROR: Okay, but for me it was
8 because they are already incarcerated, so they want an
9 opportunity to get some time cut off of their case.

10 THE COURT: Right.

11 THE PROSPECTIVE JUROR: That's what I was referring
12 to.

13 THE COURT: Right.

14 THE PROSPECTIVE JUROR: I wasn't referring to a
15 witness that actually saw what happened, you know.

16 THE COURT: Okay. Well, okay. So the witness will
17 testify about certain things.

18 THE PROSPECTIVE JUROR: Yes, and it may include what
19 they saw.

20 THE COURT: Yes. As with every witness, you would
21 assess their credibility because lots of people who are not
22 incarcerated might have a motive to say certain things,
23 including lie; right?

24 THE PROSPECTIVE JUROR: That's true. That's true.

25 THE COURT: So you would take that into

Prospective Juror No. 144

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1 consideration?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: And sometimes people who might have a
4 motive to lie could tell the truth?

5 THE PROSPECTIVE JUROR: That's true. That's very
6 true.

7 THE COURT: Your job as a juror is to consider all
8 these things, and there are things in our life that we do, and
9 it may be that you believe the person, or it could be that you
10 just say I'm never going to believe that person.

11 THE PROSPECTIVE JUROR: That's true.

12 THE COURT: We are trying to figure out which one it
13 is for you. Could you believe that person or would you just
14 not believe them?

15 THE PROSPECTIVE JUROR: A witness that's not
16 incarcerated, I can believe them. I can believe the
17 possibility of what they're saying, but someone who is already
18 incarcerated it's hard for me because they want more time --
19 they want to get time off their case, so they will say what
20 they need to say in order to get that time knocked off.

21 THE COURT: So you think that motive to lie will
22 override everything else?

23 THE PROSPECTIVE JUROR: Exactly.

24 THE COURT: So even if they're telling the truth,
25 you wouldn't believe them?

Prospective Juror No. 145

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1 THE PROSPECTIVE JUROR: It would be hard for me to
2 believe. It really would be hard for me to believe.

3 THE COURT: Because you can imagine a scenario where
4 a person is telling the truth?

5 THE PROSPECTIVE JUROR: Yes, yes.

6 THE COURT: But you're saying you just wouldn't
7 believe them?

8 THE PROSPECTIVE JUROR: Yes.

9 MS. KOMATIREDDY: No objection.

10 MR. DE CASTRO: No objection.

11 THE COURT: Thank you for your candor.

12 THE PROSPECTIVE JUROR: Thank you.

13 THE COURT: You are excused. Go back to the second
14 floor.

15 (Prospective juror No. 144 excused.)

16 THE COURT: Juror No. 145.

17 (Prospective Juror No. 145 enters.)

18 THE COURT: Come up to the podium and you can put
19 your bag down on the chair. How are you doing?

20 THE PROSPECTIVE JUROR: Okay. Anxious, nervous.

21 THE COURT: Thank you being patient. I know it's
22 been a long day.

23 THE PROSPECTIVE JUROR: It's okay.

24 THE COURT: I just had a few follow-up questions for
25 you. I will start with the question where you told the Court

Prospective Juror No. 145

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1 that you are nervous about being on this jury.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay.

4 THE PROSPECTIVE JUROR: One thing that I definitely
5 suffer from is anxiety and panic attacks. So even just being
6 here today has been stressful and challenging. But when the
7 questionnaire was given and some of the parties and other
8 information that I am aware of through other cases in the past
9 in the news, I just find the matter of this case to be
10 challenging for me to be involved with.

11 THE COURT: Right. Right. Well, it would be
12 challenging for anyone.

13 THE PROSPECTIVE JUROR: Agreed. Understood.

14 THE COURT: And then, but the question is whether it
15 is a particular hardship for you and also whether it would
16 cause you not to be fair because all that people are looking
17 for is a jury of fair people because they want a fair trial.
18 Both sides want a fair trial.

19 THE PROSPECTIVE JUROR: Uh-hum.

20 THE COURT: So, you know, it is very uncomfortable
21 for people to be in federal court and especially when you got
22 other things going on in your life.

23 THE PROSPECTIVE JUROR: Yeah.

24 THE COURT: Are you seeking treatment for anxiety?

25 THE PROSPECTIVE JUROR: Yes, I see a therapist for

Prospective Juror No. 145

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1 it. I've had panic attacks for about 20 years. They started
2 in my first year of teaching. I taught in a challenging
3 neighborhood in Bronxville, Brooklyn. I'm a special-ed
4 teacher and it was a violent, weapons, fights all the time,
5 challenging environment to be in that I was in for about two
6 years. I'm in a different school environment now that is less
7 challenging in terms of that because I've always work with
8 children with behavior problems. But in other disadvantaged
9 neighborhoods, it tends to be a little bit more challenging.
10 So my panic attacks started with that experience in my life
11 and now it's something that I just continually manage and work
12 with.

13 THE COURT: And how do you manage to work with it in
14 your work because it does sound very challenging and
15 stressful?

16 THE PROSPECTIVE JUROR: Yeah, I have learned a bunch
17 of strategies through therapy. I have my water bottle with me
18 right now and I certain things that I do. Sometimes
19 medication, Xanax, if I'm having a panic attack that I am not
20 able to kind of quiet with just breathing exercises and other
21 things.

22 THE COURT: Okay. Could you apply those same
23 techniques if you --

24 THE PROSPECTIVE JUROR: I can try. I can try, but
25 it is definitely challenging for me. Like sometimes I avoid

Prospective Juror No. 145

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1 riding the subway if I get really claustrophobic. I will have
2 weeks that I won't ride the subway because I don't like when
3 it stops in between stations because I feel trapped. And also
4 sometimes when you're having panic attacks, disassociate a
5 little bit, and kind of have a hard time coming back. So I
6 rely on those things for that, but it can be challenging
7 sometimes.

8 THE COURT: And if you are in a vehicle, does that
9 cause claustrophobia?

10 THE PROSPECTIVE JUROR: It can. And sometimes
11 flying can.

12 THE COURT: If you are in a car or a van, is that
13 okay?

14 THE PROSPECTIVE JUROR: It depends on also how I've
15 been doing. I tend to have been having quite a few more panic
16 attacks, that can become harder. There are other times in my
17 life. You know, it's been going on for 20 years. There are
18 good times and not the best.

19 THE COURT: And how have you been so far this
20 afternoon?

21 THE PROSPECTIVE JUROR: Today has been challenging
22 for me. I didn't sleep well last night, and I've been anxious
23 waiting just because this is all unknown and new for me in
24 terms of this many people.

25 And I sat in one trial before that was in Manhattan

Prospective Juror No. 145

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1 that was a much smaller scenario.

2 THE COURT: Right. So do you think, despite you not
3 getting a lot of sleep last night, you're able to focus on
4 what's happening today?

5 THE PROSPECTIVE JUROR: It's hard. It's hard to
6 think clearly and straight.

7 THE COURT: If you were asked to sit on the jury, do
8 you think you can give it your full attention?

9 THE PROSPECTIVE JUROR: I think it would be
10 challenging for me.

11 THE COURT: We have a lot of things in life that are
12 challenging.

13 THE PROSPECTIVE JUROR: Understood. Thank you.

14 THE COURT: We have a lot of things in life
15 challenging and sometimes we do it successfully. And, so, the
16 question is whether you could be a fair juror in this case and
17 you could sit through the trial and listen to it and assess it
18 and make a decision. Do you think you could do that?

19 THE PROSPECTIVE JUROR: I think it would be
20 difficult for me.

21 THE COURT: Okay. So let me ask you a couple of
22 other questions if you don't mind.

23 THE PROSPECTIVE JUROR: Sure.

24 THE COURT: You talk about the media coming in this
25 case. Is there anything about the media coverage that causes

Prospective Juror No. 145

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1 you concern?

2 THE PROSPECTIVE JUROR: I was aware of the El Chapo
3 trial and that name was on the list, when it was in Brooklyn a
4 couple of years ago and that that was -- I believe that there
5 were some concerns for the jury involved in that, I mean, what
6 I have read in the news, I wasn't there, that that was
7 concerning.

8 And I also know recently in the news that El Chapo's
9 son was arrested and there was a lot of eruption of violence
10 around that in Mexico, so that is....

11 THE COURT: Right.

12 THE PROSPECTIVE JUROR: Anxiety producing.

13 THE COURT: You can rest assure with the El Chapo
14 trial here in Brooklyn everything security-wise went smoothly.

15 THE PROSPECTIVE JUROR: It's good to know.

16 THE COURT: Were there follow-up questions?

17 MS. KOMATIREDDY: Would Your Honor mind asking about
18 34?

19 THE COURT: 34?

20 MS. KOMATIREDDY: Yes, please.

21 THE COURT: Okay. So you put down in your
22 questionnaire that you like to watch certain TV programs.

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: And some of these are about true crimes,
25 Narcos.

Prospective Juror No. 145

554

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: So Narcos in particular is -- and Wire,
3 you said is your favorite show. Those are fictionalized
4 versions of things.

5 THE PROSPECTIVE JUROR: Yeah.

6 THE COURT: You know a lot of what you're seeing
7 there is just not true?

8 THE PROSPECTIVE JUROR: Correct.

9 THE COURT: And you would know that real life is
10 different in many ways, right?

11 THE PROSPECTIVE JUROR: Sure.

12 THE COURT: Does watching those things cause you
13 anxiety?

14 THE PROSPECTIVE JUROR: Not necessarily because,
15 like I said, it's fictional, and it's a television show that
16 you're watching for enjoyment or just -- I mean, I loved the
17 Wire for just how intelligently it was put together.

18 Season four showed school experiences which was very
19 similar to what I experienced so it was kind of comforting to
20 see that type of representation. That felt similar to
21 something that I experienced as teacher.

22 THE COURT: But the true crime documentaries and the
23 serial podcasts, those are not fictionalized, right?

24 THE PROSPECTIVE JUROR: Correct.

25 THE COURT: Did those cause you anxiety?

Prospective Juror No. 145

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1 THE PROSPECTIVE JUROR: I mean, I consume a lot of
2 news and information, so it's just kind of something that I
3 would like to be aware of what's going on in the world. I
4 don't think particularly that those cases or the information
5 caused me anxiety, but they are also not present in my life at
6 the moment. It's something that I am consuming and informing
7 myself about.

8 THE COURT: So I'm not saying that sitting as a
9 juror in a trial is like watching these things.

10 THE PROSPECTIVE JUROR: Understood.

11 THE COURT: To the extent that you are able to watch
12 documentaries about violent crimes and things like that, do
13 you think that you would you be able to sit on a jury and
14 listen to testimony and assess evidence?

15 THE PROSPECTIVE JUROR: Yes, the anxiety part makes
16 -- I mean, sometimes I'm not aware of when things are going to
17 trigger me. That can be an unknown for me sometimes.

18 THE COURT: And what happens if you are triggered?

19 THE PROSPECTIVE JUROR: I get a little bit of out of
20 body experience. I can sometimes turn bright red and get
21 very, very overheated. I have shallow breathing, which I have
22 to focus on to bring my breathing back because you don't
23 realize that you have kind of stopped breathing. Sometimes
24 tingling in my fingers and toes and a very strong feeling of
25 wanting to exit whatever the scenario is, fight or flight.

Prospective Juror No. 147

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1 Not fight. It's always flight for me, no fight.

2 THE COURT: Okay. If that were to happen in the
3 middle of a trial, then we can take a break.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: You could relax.

6 THE PROSPECTIVE JUROR: That's comforting.

7 THE COURT: Takes breaths and come back. Could you
8 do that?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Any follow up?

11 MS. KOMATIREDDY: No. Thank you, Judge.

12 THE COURT: Great. You can go back across the hall.

13 THE PROSPECTIVE JUROR: Thank you.

14 (Prospective Juror No. 147 enters.)

15 THE COURT: Hello. You can come up here. There is
16 a podium and a chair where you could put your bag.

17 How are you doing?

18 THE PROSPECTIVE JUROR: I'm doing great. How are
19 you?

20 THE COURT: Good. You're Juror No. 147.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: You have a mask on. If you want to keep
23 your mask on, that's fine. If you want to take your mask off
24 because it's more comfortable, that's fine too.

25 You said you have a family emergency. Can you tell

Prospective Juror No. 147

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1 us about that? Come a little bit closer to the podium so we
2 can hear you.

3 THE PROSPECTIVE JUROR: Sorry. My brother passed
4 away, so I will be going back there for his memorial service.

5 THE COURT: Where would you be traveling?

6 THE PROSPECTIVE JUROR: To Guyana.

7 THE COURT: To Guyana?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: When is that memorial service?

10 THE PROSPECTIVE JUROR: In September.

11 THE COURT: In?

12 THE PROSPECTIVE JUROR: September.

13 THE COURT: In September?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Well, our trial will not go to
16 September.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: So you would be available from now until
19 sometime in March?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Yes?

22 THE PROSPECTIVE JUROR: Uh-hum.

23 THE COURT: That's good to hear.

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: So let me ask you a little bit more.

Prospective Juror No. 147

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1 You were asked about a legal principle that everyone is
2 presumed innocent until the Government has presented enough
3 evidence beyond a reasonable doubt that somebody is guilty and
4 the question was will you accept and apply this rule of law.
5 You said no, and I don't know -- you just checked it, so I
6 don't know if that's what you meant by that.

7 Can you explain?

8 THE PROSPECTIVE JUROR: I think it's supposed to be
9 a yes, sorry, not a no.

10 THE COURT: It's not no?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: So you could accept that?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: That everyone is presumed innocent?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Then you also had a question where you
17 said the Government has the burden of proving guilt beyond a
18 reasonable doubt. The defendant does not have to prove
19 anything and the defendant does not have to testify. If a
20 defendant decided not to testify, would you hold it against
21 him or would you accept that he does not have to testify?

22 THE PROSPECTIVE JUROR: I accept that he does not
23 have to testify.

24 THE COURT: Thank you.

25 You were also asked about law enforcement officers

Prospective Juror No. 147

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1 as witnesses. There are likely to be people who are law
2 enforcement, like FBI, who testify in this case and you, as a
3 juror, would have to assess their testimony and decide whether
4 to believe them or not and whether to accept their testimony
5 or not.

6 Can you do that the same way that you would with
7 somebody who was not a law enforcement officer?

8 THE PROSPECTIVE JUROR: No.

9 (Continued on next page.)

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Prospective Juror No. 147

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1 (Continuing.)

2 THE COURT: Can you tell me why not? Would you
3 treat them differently just because they're a law enforcement
4 officer, or would they be the same?

5 THE PROSPECTIVE JUROR: No. The same. The same,
6 sorry.

7 THE COURT: All right. So I didn't ask the question
8 properly. I apologize.

9 And then you also said that you would not be paid
10 while you're on jury duty.

11 What kind of work do you do?

12 THE PROSPECTIVE JUROR: Accountant.

13 THE COURT: You're an accountant?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: And so do you know from your employer
16 whether you would be paid or not?

17 THE PROSPECTIVE JUROR: That, I'm not sure.

18 THE COURT: You're not sure.

19 Is there someone you could call to find out if you
20 would get paid while you're on jury duty?

21 THE PROSPECTIVE JUROR: Yes, but he's on vacation at
22 the moment. That's my boss.

23 THE COURT: I see. Okay.

24 THE PROSPECTIVE JUROR: That's for this week.

25 THE COURT: I see. There's no one else you can ask?

Prospective Juror No. 147

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1 THE PROSPECTIVE JUROR: I'm the payroll person, no.
2 I'm the payroll person, no.

3 THE COURT: You're the payroll, but you don't know
4 the answer?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Is there any way for you to e-mail your
7 boss and just say the Court wants to know whether you would
8 get paid?

9 THE PROSPECTIVE JUROR: Yes, I can do that.

10 THE COURT: Why don't you do that?

11 And you've never asked that question, whether you
12 would be paid while you're on jury duty?

13 THE PROSPECTIVE JUROR: No. I never, no.

14 THE COURT: So ask if you'll get paid, and if so,
15 for how many days, because this trial may go on for eight
16 weeks.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: So two months. And so sometimes people
19 will pay a certain amount of time, but not --

20 THE PROSPECTIVE JUROR: -- all the time.

21 THE COURT: -- all the time. So we just need to
22 know the answer to that.

23 THE PROSPECTIVE JUROR: Okay. Yeah, I'll do it.

24 THE COURT: So why don't you -- you can get your
25 phone now downstairs and send an e-mail, and if you don't get

Prospective Juror No. 147

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1 a response until tomorrow, that's okay, because you'll come
2 back tomorrow and let us know.

3 THE PROSPECTIVE JUROR: Okay.

4 THE COURT: Okay. And if you don't know, that's
5 fine too. Just send the e-mail so that you've asked the
6 question, because maybe your boss will respond.

7 THE PROSPECTIVE JUROR: Yeah. Okay.

8 THE COURT: Great. Are there any other questions?

9 MR. DE CASTRO: No, Your Honor.

10 MS. KOMATIREDDY: Your Honor, if I could, on 62C,
11 please.

12 THE COURT: So you were asked whether you would --
13 the question says that the Government does not have to use a
14 specific investigative technique or present a specific type of
15 evidence to prove its case. And the question was can you
16 accept and apply this rule of law.

17 So in other words, a witness may testify as to
18 certain things, and if you believe that witness and you accept
19 the testimony, then that could be enough for the Government to
20 prove its case. The Government does not have to prove the
21 case by presenting anything specific.

22 Okay. So can you accept that, that there could be a
23 conviction based just on testimony, as long as it proves the
24 case beyond a reasonable doubt and the Government does not
25 have to offer any specific type of evidence?

Prospective Juror No. 148

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Yeah.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. Great. Thank you. Anything
5 else?

6 MS. KOMATIREDDY: Nothing from the Government.
7 Thank you, Your Honor.

8 THE COURT: Thank you. So go ahead and get your
9 phone and send the e-mail, and then go back across the hall.

10 THE PROSPECTIVE JUROR: Okay. Thank you.

11 THE COURT: Thank you.

12 (Prospective Juror Number 147 exits the courtroom.)

13 (Prospective Juror Number 148 enters the courtroom.)

14 THE COURT: Hi, Juror 148. Come right up. And if
15 you want to put your bag on the chair, that's why it's there.
16 How are you doing?

17 THE PROSPECTIVE JUROR: Very well. Thank you.

18 THE COURT: We just had a few questions for you
19 based on the answers you gave on the questionnaire. And I'll
20 start with the question where you were asked if there was
21 anything in terms of your personal, political, or religious
22 beliefs that would prevent you from sitting in judgment on
23 another person. And you said, by nature, I do not like
24 judging people. I do not know how to do it.

25 THE PROSPECTIVE JUROR: That's correct.

Prospective Juror No. 148

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1 THE COURT: So can you tell us about that?

2 THE PROSPECTIVE JUROR: Usually, our parents teach
3 us --

4 THE COURT: Say that again.

5 THE PROSPECTIVE JUROR: Our parents teach us don't
6 judge anyone, just judge yourself and try to be nice person in
7 your life. Try to be -- try to do everything in a good way,
8 to be as an example for the people who you're around. And me
9 just growing up with that. And in my life, just me, neither
10 judge anyone. I try to understand everybody, the reason why
11 they're doing something wrong or do something right. But
12 neither stop in that way, because if I'm starting to judge
13 anyone, like, usually in their life, I feel not very well
14 inside. Yeah, I -- I'm just thinking all the time, maybe I'm
15 wrong. And this feeling is not just giving me ease in my
16 life.

17 THE COURT: Okay. Thank you.

18 THE PROSPECTIVE JUROR: You're welcome.

19 THE COURT: And that makes a lot of sense. I hear
20 that a lot too, you know, don't judge people, understand them,
21 but sometimes -- and most of the time, that's appropriate.
22 You live your life and they live their lives. But for
23 example, I'm a judge, so that's my job. I'm judging all the
24 time. But I'm not judging in the sense of saying you're a bad
25 person. But I'm making assessments about whether somebody

Prospective Juror No. 148

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1 broke the law, what they did, did they do it, didn't they do
2 it, and is that illegal. And so it's not only judges that do
3 that, sometimes we ask jurors to make those assessments
4 because it's important for people in the community to do that.
5 So if you were called upon to be a juror, and do that in a
6 case, could you do it?

7 THE PROSPECTIVE JUROR: I don't know.

8 THE COURT: You don't know. Okay. That's fine.

9 THE PROSPECTIVE JUROR: If I will be correct, if I
10 will be right.

11 THE COURT: Well, people make important decisions in
12 their life all the time, and I know sometimes people make a
13 decision and then go back and think, did I do the right thing,
14 but that's just normal.

15 So the best that people could ask of jurors is that
16 they be fair, that they pay attention to the case, that they
17 follow the law, and that they reach a decision that's based on
18 the evidence in the court. Not other stuff, but what they see
19 in front of them, what they hear and what they understand.

20 So you know, it's a specific question in this case,
21 is this defendant guilty of the crimes charged. And the
22 Government has to prove it beyond a reasonable doubt in order
23 for the jury to find him guilty, and if the Government doesn't
24 prove it beyond a reasonable doubt, then the jury would find
25 the person not guilty.

Prospective Juror No. 148

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1 So do you think you could make that kind of decision
2 in a jury?

3 THE PROSPECTIVE JUROR: I think not.

4 THE COURT: Why not?

5 THE PROSPECTIVE JUROR: I don't know.

6 THE COURT: Okay. It may be that you've never done
7 it before.

8 THE PROSPECTIVE JUROR: Maybe it is that.

9 THE COURT: Right. But sometimes, you know, you
10 just never had the opportunity. So if you're given the
11 opportunity to sit on a jury with other people, a jury box
12 behind you, and there's evidence presented and people come and
13 testify and you listen and then talk with the other people and
14 come up with a decision about whether somebody is guilty or
15 not guilty, could you do it?

16 THE PROSPECTIVE JUROR: I don't know. I'm not that
17 feeling inside.

18 MS. KOMATIREDDY: We have no objection, Your Honor.

19 MR. DE CASTRO: No objection.

20 THE COURT: Thank you very much. So you're excused.
21 You don't to serve on this trial. Go down to the second floor
22 and let the jury office know that you've been excused.

23 THE PROSPECTIVE JUROR: Thank you very much.

24 THE COURT: Thank you very much.

25 (Prospective Juror Number 148 exits the courtroom.)

Prospective Juror No. 129

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1 THE COURT: Juror 149 and then 129 after that.

2 (Prospective Juror Number 149 enters the courtroom.)

3 THE COURT: Hello, Juror 149. Just come up to the
4 podium please and you can put your bag on that chair. So I
5 have some follow-up questions for you based on your answers to
6 the questionnaire. I'll start with your hardship question or
7 answer. You said you have IVF that's happening in that
8 timing.

9 So tell us a little bit more about the timing.

10 THE PROSPECTIVE JUROR: Yes, ma'am. I'm currently
11 undergoing treatments. I expect doing a procedure next week.
12 Everything depends on timing, including medications, scheduled
13 doctor's visits, and when to begin medications, and stuff like
14 that.

15 MR. DE CASTRO: No objection.

16 MS. KOMATIREDDY: No objection, Your Honor.

17 THE COURT: All right. Thank you for letting us
18 know. You're excused. So go back down to the second floor
19 and let them know you don't have to serve on this trial. Good
20 luck.

21 (Prospective Juror Number 149 exits the courtroom.)

22 THE COURT: Okay. Juror 129 is coming back.

23 (Prospective Juror Number 129 enters the courtroom.)

24 THE COURT: Juror 129, thank you so much. I know
25 we've been making you do a lot of work, but I understand that

Prospective Juror No. 129

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1 you have something to report.

2 THE PROSPECTIVE JUROR: Okay. Yes. So I called
3 corporate HR. My schedule that's up until March 4th,
4 management cannot move. If I'm scheduled for Friday Saturday
5 Sunday, I have to work, but they will pay for Monday through
6 Thursday for jury duty if the shift falls on those days.
7 Friday, Saturday, Sunday I would have to go to work. Then
8 after March 4th when the new schedule comes out, I confirmed
9 with NYSNA because I'm in a union, so I confirmed with the
10 union rep and management. My manager is allowed to put me on
11 every Friday, Saturday, Sunday. So I wouldn't be paid Monday
12 through Thursday because I'm not available to work, I'm on
13 jury duty. I would work Friday, Saturday, Sunday, at my job
14 and get paid for that.

15 THE COURT: And when will the schedule come out the
16 time after March 4th?

17 THE PROSPECTIVE JUROR: I don't know. We sign up
18 usually within, like, the next week or two, but I would be on
19 every Friday, Saturday, or Sunday. So I wouldn't really have
20 to sign up, management kind of already knows those are the
21 days they'd have to put me on for. So I don't even know if
22 they would have me physically have me fill that in since
23 everyone's on board with it.

24 THE COURT: Got it. But in any event from now until
25 March 4th, you would get paid for any days that you were

Prospective Juror No. 129

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1 scheduled to work Monday to Thursday?

2 THE PROSPECTIVE JUROR: Correct.

3 THE COURT: Okay. That's great. And then the other
4 -- there are a couple of days where you would have to -- it
5 would be difficult for you just because you have to work the
6 Friday or the Saturday or the Sunday. But what you showed me
7 was that, in fact, it's a day here and a day there that
8 doesn't seem to be three days in a row where you would be
9 working that nightmare scenario.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: So is that manageable for you?

12 THE PROSPECTIVE JUROR: For this schedule, not for
13 March 4th and on.

14 THE COURT: Up to March 4th?

15 THE PROSPECTIVE JUROR: Yes.

16 MR. SPEAKER TS: And then beyond March 4th, it might
17 be that you would -- we don't know when the trial is going to
18 go. We're hoping it'll be done early March. So maybe there's
19 a -- you would sign up for Friday, Saturday, Sunday, for the
20 month of March, but because the trial is done before the end
21 of March, there will be some time where you're not -- there
22 might be a very short time when you're working that nightmare
23 scenario.

24 But beyond that, you would simply have signed up for
25 Friday, Saturday, and Sunday for a couple of weeks and then go

JURY SELECTION

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1 back to normal.

2 Does that --

3 THE PROSPECTIVE JUROR: It's not ideal.

4 THE COURT: It's not ideal.

5 THE PROSPECTIVE JUROR: It's not ideal at all.

6 Like, I deal with patients. To be burnt out working here
7 Monday through Thursday and then dealing with people's lives
8 Friday, Saturday, and Sunday, I don't take that lightly.
9 That's not something I would want to do.

10 THE COURT: I understand. The lawyers and I will
11 have further discussions, but for now, if you would just stay
12 with us.

13 THE PROSPECTIVE JUROR: Okay.

14 THE COURT: So why don't you go back to the room
15 across the hall and thank you very much for all that work.
16 I'm glad you got some answers.

17 THE PROSPECTIVE JUROR: Thank you.

18 (Prospective Juror Number 129 exits the courtroom.)

19 MR. DE CASTRO: Judge, does it make sense for us to
20 discuss this?

21 THE COURT: Yes. Is there a move to strike?

22 MR. DE CASTRO: Our view is this -- I mean, so
23 she'll -- she should be pretty good until March 4th. The
24 problem is we anticipate we're going into middle March, right?

25 MS. KOMATIREDDY: My expectations would be that

JURY SELECTION

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1 we're going to closing right -- it depends on the defense
2 case, but if there's a defense case, that -- but I think
3 even -- we are expecting we would be in closings around then.
4 So of course, it's an estimate. But that's what we expect.

5 MR. DE CASTRO: Well, okay. I mean, it's hard for
6 me to say, because I know the Government hasn't given us sort
7 of the final say. But we have notice of 70-something
8 witnesses, so I don't -- I think it's safe to say, okay, eight
9 weeks. Then we may have a case, then deliberations.

10 The thought of a juror working seven days a week and
11 having to deliberate and working in life and death over the
12 weekend, I mean, let's give the lady a break here. I think
13 let's let her go and let's have somebody that we know is not
14 going to be stressing out about this during the trial.

15 THE COURT: So she said it's not ideal, but I didn't
16 hear her say that it wasn't going to work. She said it would
17 be difficult. We've been telling all the jurors eight weeks,
18 so I'm a little surprised to hear that eight weeks is just the
19 Government case. But I assumed that it was eight weeks with
20 the whole trial.

21 MR. DE CASTRO: You know, and I know the
22 Government's working on pairing some things down, but their
23 witness list got bigger, so I don't know.

24 But I also heard burnout. And when I hear burnout
25 several times, I think that's just -- I think we're just -- my

JURY SELECTION

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1 view is we might as well just get ready for an alternate, and
2 that doesn't seem ideal.

3 THE COURT: That may be the case, but I don't see a
4 for-cause strike, so I will deny that motion. All right.

5 So let's move on then to jurors 150 and beyond. I
6 think -- I still think we can get through them. So tell me
7 what questions I should focus on for 150.

8 MS. KOMATIREDDY: Your Honor, for 150, 35, 39, 40,
9 43, 44, and 56, please.

10 MR. DE CASTRO: I think 22 and 58, as well. That's
11 what I have on my list.

12 THE COURT: 151.

13 MR. DE CASTRO: We have to 62 for that.

14 MS. KOMATIREDDY: Same, Your Honor.

15 THE COURT: Juror 153.

16 MR. DE CASTRO: None from the defense.

17 MS. KOMATIREDDY: For 153, Your Honor?

18 THE COURT: Yes.

19 MS. KOMATIREDDY: There's a lot of blank -- there's
20 a lot of questions that they did not answer, so I can go
21 through them, but I guess maybe just a intro question of
22 whether why they didn't answer the questions.

23 THE COURT: Well, this juror checked off three for
24 English.

25 Can you give me an example of a question that was

JURY SELECTION

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1 not answered?

2 MS. KOMATIREDDY: Yes, Your Honor. On the more sort
3 of questions regarding their life --

4 THE COURT: Twenty-four, says have you traveled
5 outside of the U.S.

6 MS. KOMATIREDDY: I apologize. Twenty-five, 26, 27,
7 and then with respect to the other questions --

8 THE COURT: Twenty-five was, name a person who
9 admire, and it's left blank. Twenty-five says, do you
10 volunteer, and I assume that if it's blank, it's no, and then
11 other than English, what language do you speak, that's 27
12 again. If there is no other language.

13 MS. KOMATIREDDY: Sure, Your Honor. And actually,
14 that was it. They didn't have issues on legal principles. It
15 looks like they filled that out.

16 MR. De CASTRO: I'll start with three. I missed
17 that one.

18 THE COURT: Okay. And then for juror 154. I
19 have --

20 MR. De CASTRO: We have 71 too.

21 MS. KOMATIREDDY: That's all for us, Your Honor.

22 THE COURT: Juror 156. There is a issue of the CAT
23 scan.

24 MS. KOMATIREDDY: As well as 62D, please, Your
25 Honor.

Prospective Juror No. 150

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1 MR. De CASTRO: And 43, I believe.

2 THE COURT: And 158.

3 MR. De CASTRO: We don't anything further.

4 MS. KOMATIREDDY: I think -- I apologize. I don't
5 think we got that far. Sixty-nine and 37. No concerns on 37
6 just to understand more about the experience.

7 THE COURT: So let's call in this batch. So Juror
8 150.

9 (Prospective Juror Number 150 enters the courtroom.)

10 THE COURT: Hello. How are you doing?

11 THE PROSPECTIVE JUROR: Good. How are you?

12 THE COURT: I'm good. Thank you. You can put your
13 bag on the chair. Thank you.

14 So we had some follow-up questions for you. There's
15 a microphone there, so don't lean on it. That's better.
16 Okay.

17 So you mentioned in your answers to the
18 questionnaire that you have some people in your life who are
19 law enforcement?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Right. So can you tell us about that?

22 THE PROSPECTIVE JUROR: My dad was a correction
23 officer. He retired a number of years ago. I have a cousin
24 who was a correction officer who also retired, and another
25 cousin who is currently serving as a correction officer. My

Prospective Juror No. 150

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1 partner works for -- currently works for law enforcement, but
2 as an engineer.

3 THE COURT: Given that you have these law
4 enforcement ties, do you think that you could be fair and
5 impartial in a case where there are some witnesses who are law
6 enforcement officers?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Do you think that you can assess their
9 testimony in the same way that you would assess any other
10 witness' testimony?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Would you give it any greater weight?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Would you give it any lesser weight?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: You also talked about your stepbrother
17 was shot and killed?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: And the perpetrator was prosecuted,
20 right?

21 THE PROSPECTIVE JUROR: Well, my brother was
22 committing a crime at the time. So while he was attempting to
23 mug someone, they shot him. So the person was arrested, but
24 did not have to serve time.

25 THE COURT: Okay. And is there anything about that

Prospective Juror No. 150

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1 experience that might cause you not to be fair in a criminal
2 case?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: So you also talked about a cousin who
5 was incarcerated for murdering her cousin -- for murdering her
6 boyfriend?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Is that something that would affect your
9 ability to be fair in this case?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: And you also said that you had testified
12 in a civil case?

13 THE PROSPECTIVE JUROR: Yes. For my company.

14 THE COURT: Yeah. Was there anything about that
15 experience that would cause you not to be fair?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: So you know what it's like to be a
18 witness?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: And so do you think you would be able to
21 be on the other side of it and be a juror listening to a
22 witness' testimony.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: You mention that you think that harmful
25 drugs should not be legalized, but it was okay for marijuana

Prospective Juror No. 150

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1 to be legalized, as long as it was for private use.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: This is a case that involves allegations
4 of trafficking cocaine. So is there anything about that, the
5 subject matter of this case that would be hard for you as a
6 juror?

7 THE PROSPECTIVE JUROR: So I have some pretty strong
8 feelings about thanks alter people's thinking, and you know,
9 how they approach things. I have a lot of concerns about
10 that.

11 THE COURT: And how does that play out?

12 THE PROSPECTIVE JUROR: So I think it could be
13 harmful to communities. It's harmful to society. It causes
14 people to do things that they may not have done if they had
15 not consumed substances that, you know, make them only think
16 about that substance, not think about their families, not
17 think about their lives, not think about their children, they
18 only think about that substance. So I have very strong
19 feelings about that.

20 THE COURT: Right. And so that's understandable.
21 The question is whether you could be fair to both the
22 Government that has made an accusation against somebody and
23 the person who's being accused with regard to drug
24 trafficking. So you don't know what happened or didn't happen
25 in this case. You will hear evidence about the allegations,

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1 and so if you could focus on what's happening here or what's
2 being presented to you and just answer the question of whether
3 this defendant is guilty of what the Government accuses him
4 of, then that's the kind of juror that people are looking for
5 here, that you could be fair. But if you think your feelings
6 about drug use and it's effect on society might affect your
7 decision, guilty or not guilty in this case, then we'd like to
8 know about it.

9 So do you think that your strong feelings about the
10 negative effects of drugs on society would affect your ability
11 to be fair and impartial in this case?

12 THE PROSPECTIVE JUROR: No. You make judgments
13 based upon the facts that are presented to you. But if you're
14 asking me what my thoughts are about those substances, that's
15 my thoughts.

16 THE COURT: Thank you for letting us know. We did
17 ask that question, so that is an appropriate answer.

18 And let me just make sure I have everything.

19 MR. De CASTRO: Thirty-five, Your Honor.

20 THE COURT: You have a cousin who's in the DEA and
21 you also mentioned your partner is in law enforcement.

22 THE PROSPECTIVE JUROR: Mm hm.

23 THE COURT: So there may be DEA agents who testify
24 in this case. So it's not just law enforcement, but
25 specifically, that agency. So the fact that you have a cousin

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1 who's in the DEA, would that affect your ability to be fair?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: All right. So you would judge a DEA
4 agent's testimony with the same degree of scrutiny that you
5 would anyone else?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: And this is just a follow-up because you
8 answered this question as well, about a cousin who uses or
9 used drugs and that it has hindered his growth.

10 So is that the same issue?

11 THE PROSPECTIVE JUROR: That is the -- yes.

12 THE COURT: Was there any other question?

13 MS. KOMATIREDDY: Not from the Government, Your
14 Honor.

15 MR. De CASTRO: No, Your Honor.

16 THE COURT: Thank you so much. You can just go back
17 across the hall.

18 (Prospective Juror Number 150 exits the courtroom.)

19 THE COURT: Juror 151.

20 (Prospective Juror Number 151 enters the courtroom.)

21 THE COURT: Hello. You can step up to this podium
22 here, please.

23 How are you doing?

24 THE PROSPECTIVE JUROR: Good. How are you?

25 THE COURT: I'm good. Thank you.

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1 So we have a couple of follow-up questions for you.

2 THE PROSPECTIVE JUROR: Sure.

3 THE COURT: On the questionnaire, you were asked
4 about how you would assess the testimony of a Government
5 witness who was testifying pursuant to a cooperation
6 agreement.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: And you wrote down a couple of times
9 that you would have to take that testimony with a grain of
10 salt if that witness were testifying -- if the testimony would
11 benefit that witness in any way. And so I just wanted to
12 understand that answer.

13 THE PROSPECTIVE JUROR: Oh, yeah. I mean, I guess
14 kind of, if it's to benefit someone who's already, like, might
15 have done something illegal to help them out, and I don't
16 know, like lessening their jail sentence.

17 THE COURT: Right. So when you're -- in the course
18 of a trial, you'll hear testimony from a lot of witnesses, and
19 for each witness, you'll need to assess their credibility,
20 right.

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: Because even though people take an oath,
23 you still need to figure out if you believe them or not. And
24 you'll be instructed that you can take into consideration
25 things like their ability to see what they're testifying to

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1 and whether they have a motive to lie, whether they have a
2 relationship with the people that they're testifying about.
3 And so you know, the -- for a cooperating witness, it can
4 include whether the person has a motive to lie, right. That's
5 perfectly fine. You're supposed to take being that into
6 account. So the question for you is whether you could make
7 that assessment or whether you would just say, I'm never going
8 to believe that person.

9 THE PROSPECTIVE JUROR: Oh. Yeah, I could make that
10 assessment if that's the case.

11 THE COURT: Okay. So you know, motive is one of the
12 things you would take into account.

13 THE PROSPECTIVE JUROR: Right.

14 THE COURT: But you could also kind of look at other
15 things.

16 THE PROSPECTIVE JUROR: Kind motive and then motive
17 is what the benefit is, the past, the --

18 THE COURT: Because what you're concerned about
19 isn't if they have a motive to testify and they testify
20 truthfully, because then that's -- you know, you can accept
21 their testimony. I think what you're worried about is
22 somebody who's testifying just to get a benefit?

23 THE PROSPECTIVE JUROR: Yeah --

24 THE COURT: Even though it's not true.

25 I'm sorry, we're cutting each other off. So let me

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1 backtrack and I'll speak more slowly. This glass sometimes
2 makes it hard to hear.

3 So if a witness testifies and has a motive to
4 testifying, who wouldn't otherwise want to testify, and are
5 told if you testify truthfully, we will, let's say, reduce
6 your sentence, right, if you listen to that person and the
7 person sounds like they're telling the truth to you, and you
8 decide that that person is credible, then you could use that
9 evidence in your verdict.

10 THE PROSPECTIVE JUROR: Right. Yeah.

11 THE COURT: Okay. So what it sounds like is if what
12 you're worried about when you have a cooperating witness is
13 that the person is lying, he's testifying even though it's not
14 true, just because he wants to get a benefit from the
15 Government, right?

16 THE PROSPECTIVE JUROR: Right.

17 THE COURT: Okay. And so you will hear what that
18 agreement is with the Government, and then you can assess
19 whether the person is still telling the truth or whether you
20 think the person is lying.

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: Okay. So I just want to make sure that
23 you understand that when somebody is cooperating, it's just
24 all part of the thing that you need to consider.

25 THE PROSPECTIVE JUROR: Right.

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1 THE COURT: And can you do that?

2 THE PROSPECTIVE JUROR: Yup. I think so.

3 THE COURT: Okay. And then I'll just add one more
4 thing which is that usually when somebody is cooperating under
5 those circumstances, that person himself has committed a
6 crime, right, and so just because somebody committed a crime,
7 would you not believe that witness or would you also take that
8 into account in the whole assessment of the witness'
9 testimony?

10 THE PROSPECTIVE JUROR: To the same extent it would
11 have to be taken into account if they're benefiting from
12 testifying in some way from, I guess, the Government.

13 THE COURT: Okay. So it's just one of the things
14 you would consider, but you wouldn't just not believe the
15 person because they have committed a crime?

16 THE PROSPECTIVE JUROR: Right.

17 THE COURT: Okay. Great. I just wanted to clarify.
18 It's a little bit confusing, and so thank you for clarifying.

19 So then one more question you answered was that you
20 didn't believe you could convict someone without evidence more
21 than a single person's words. So the question that you were
22 being asked was whether you would require the Government to
23 present specific types of evidence, and you know, sometimes it
24 could be that there isn't a specific type of evidence, but
25 there's testimony from somebody.

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1 And so the question is whether you could convict
2 somebody based on just the testimony of somebody and, let's
3 say, that person was a cooperating witness, if you believed
4 the person and you felt that the Government, therefore, proved
5 its case beyond a reasonable doubt, would you be able to
6 convict based on that evidence or would you say, I can't
7 because it's just one person testifying, I need more?

8 THE PROSPECTIVE JUROR: Yeah, I would stick with I
9 would need to be convinced by more evidence than one person's
10 word just as, like, I guess a trust thing of not really -- I
11 don't know who's giving the testimony.

12 THE COURT: That's fine. In our normal everyday
13 lives, we often take the word of one person, and even in
14 making important decisions.

15 So would you treat this trial differently and
16 require more evidence or would you be able to accept one
17 person's truthful testimony?

18 THE PROSPECTIVE JUROR: I think, typically, I don't
19 trust the word of one person solely. That's where that comes
20 from. I kind of need to be convinced myself by more than just
21 what one person says.

22 THE COURT: I see. So are you saying that you would
23 require the Government to present more evidence than one
24 person.

25 THE PROSPECTIVE JUROR: Than one person's testimony.

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1 MS. KOMATIREDDY: No objection, Your Honor.

2 MR. De CASTRO: No objection.

3 THE COURT: All right. So thank you for clarifying
4 these things. You're excused. You don't to sit on this jury.
5 So go down to the second floor and tell them that you're
6 excused.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: Thank you.

9 THE PROSPECTIVE JUROR: All right. Thank you.

10 (Prospective Juror Number 151 exits the courtroom.)

11 (Continued on next page.)

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1 THE COURT: All right. Juror 153.

2 (Prospective Juror No. 153 enters.)

3 THE COURT: Good afternoon, ma'am.

4 THE PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: You can step up to the podium. If you
6 want to put your bag down, you're free.

7 We had just a few questions for you. Okay?

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: So you indicated that you had some
10 issues with English so I'd like to understand that.

11 THE PROSPECTIVE JUROR: Yes, because I'm from
12 Nigeria. If I'm speaking some English, it's difficult for
13 people to understand.

14 THE COURT: And it says you're working in security.

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: So do you speak English at work?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And you communicate with people?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: So have we said anything in court today
21 that you don't understand?

22 THE PROSPECTIVE JUROR: No, I understand.

23 THE COURT: Okay. Great.

24 So let me ask you a couple of things. And also
25 sometimes people think they don't understand because, you

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1 know, especially with legal terms, but if you're not a lawyer,
2 you're not expected to understand legal terms. The judge and
3 the lawyers will help you understand these things.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: Okay? So as long as you understand what
6 we're saying, then that should be fine.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: So you had, you were asked -- there were
9 a couple of things that you didn't answer and I would just
10 like to ask you. Okay?

11 THE PROSPECTIVE JUROR: Okay.

12 THE COURT: So you were asked to name a person who
13 you admire and you didn't put a person down. Can you think of
14 somebody that you admire?

15 THE PROSPECTIVE JUROR: My daughter.

16 THE COURT: Your daughter?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: That's wonderful. What do you admire
19 about her?

20 THE PROSPECTIVE JUROR: Because she's very
21 intelligent.

22 THE COURT: She's very --

23 THE PROSPECTIVE JUROR: Intelligent. Yes.

24 THE COURT: What does she do?

25 THE PROSPECTIVE JUROR: She is in college.

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1 THE COURT: And what is she studying in?

2 THE PROSPECTIVE JUROR: Medicine.

3 THE COURT: Wonderful. So she wants to be a doctor?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: That's great. And then you were asked

6 if you volunteer for any organizations. Do you do any

7 volunteer work like with a church or the community?

8 THE PROSPECTIVE JUROR: Yes, yes, church, yes.

9 THE COURT: What did you do with the church?

10 THE PROSPECTIVE JUROR: Sometimes I work with kids.

11 THE COURT: And what do you do with the kids?

12 THE PROSPECTIVE JUROR: If they want to go to bible

13 study, we have to take them inside the room for them to study

14 the bible.

15 THE COURT: I see. Okay. And do you teach?

16 THE PROSPECTIVE JUROR: No. No.

17 THE COURT: Okay. And you said you don't like to

18 watch TV shows but you get your news --

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: -- including through News 12, right, on

21 TV?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: And you love Facebook.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: What kinds of things do you post on

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1 Facebook?

2 THE PROSPECTIVE JUROR: Like if I go to a party, I
3 post those things, yes.

4 THE COURT: Right. And have you had any experiences
5 with law enforcement or the police or anything like that,
6 either as a witness or a victim or --

7 THE PROSPECTIVE JUROR: No, because I think on the
8 28 of November, I moved to a new apartment so it look like the
9 neighbor upstairs maybe have people and they were doing coke
10 in my hallway so I'm calling the cops, yes.

11 THE COURT: And what happened?

12 THE PROSPECTIVE JUROR: So when I call the cops, I
13 don't know, maybe they talk to her so she stop.

14 THE COURT: And so does that lead you to have any
15 views about law enforcement that would affect your ability to
16 be fair?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: So do you think you can be fair and
19 impartial if you're picked as a juror?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Great. Do you know if you would
22 be paid while you're on jury duty?

23 THE PROSPECTIVE JUROR: I don't know about that
24 because this is my first time.

25 THE COURT: What do you mean, it's your face time?

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1 Oh, your first time?

2 THE PROSPECTIVE JUROR: Yes. Yes.

3 THE COURT: Did you ask your employer if you would
4 be paid?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: So if you didn't get paid -- well, what
7 kind of shifts do you work?

8 THE PROSPECTIVE JUROR: I work in the morning, I
9 start at 4:00 a.m. to 12:30 p.m.

10 THE COURT: And if you had to sit on this jury, the
11 jury, the trial is likely to go for eight weeks so about two
12 months. Do you know if you'll get paid for that time you're
13 not working?

14 THE PROSPECTIVE JUROR: I don't know. Maybe I'm
15 going to tell the manager to see.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: Because I don't know.

18 THE COURT: Right. Why don't you ask?

19 THE PROSPECTIVE JUROR: Yes, I'm going to ask.

20 THE COURT: So find out tonight. Maybe you can call
21 or send an e-mail or text and let them know that the judge
22 wants to know --

23 THE PROSPECTIVE JUROR: Okay.

24 THE COURT: -- if you are sitting on an eight-week
25 trial, whether they can pay you.

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: And then tomorrow when you come in, you
3 can let us know. Okay?

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: All right. Great. Were there any
6 follow-up questions?

7 MR. DE CASTRO: No, Your Honor.

8 MS. KOMATIREDDY: No thank you, Judge.

9 THE COURT: Thank you. So why don't you go back
10 across the hall and we'll be with you in a few minutes.

11 THE PROSPECTIVE JUROR: Okay.

12 (Prospective Juror No. 153 exits.)

13 THE COURT: Juror 154.

14 (Prospective Juror No. 154 enters.)

15 THE COURT: Hi. Come on up. There's a podium here
16 with a chair. Where you can put -- you don't have anything.
17 You can leave your mask on or take it off if you're more
18 comfortable. It's up to you.

19 THE PROSPECTIVE JUROR: Good.

20 THE COURT: Breathe, right?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: So you said on your questionnaire that
23 you have a son who's a paralegal.

24 THE PROSPECTIVE JUROR: My father, yes.

25 THE COURT: And how -- do you talk about legal

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1 things?

2 THE PROSPECTIVE JUROR: Hmm?

3 THE COURT: Do you talk about the law?

4 THE PROSPECTIVE JUROR: No. My father is deceased.

5 THE COURT: I see. Let me just see. So your father
6 was the paralegal?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: I see. Okay. And when he was alive,
9 did you talk about law?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: And if the judge in this case instructed
12 you on what the law is, would you be able to follow the law?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. You mentioned that you are a
15 salesperson.

16 THE PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: Do you know if you would get paid if
18 you're working, if you're sitting as a juror?

19 THE PROSPECTIVE JUROR: I checked last week and they
20 said they pay whatever the state mandatory was, that's what
21 they pay.

22 THE COURT: Okay. And I don't know what the state
23 mandatory is. Do you know?

24 THE PROSPECTIVE JUROR: I think they said, I don't
25 remember offhand, but I think it was about \$40 a day for three

Prospective Juror No. 154

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1 days or something like that, something like that.

2 THE COURT: Right.

3 THE PROSPECTIVE JUROR: Whatever the state law was,
4 yes.

5 THE COURT: Well, the court pays jurors a fee --

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: -- if your employer doesn't pay for that
8 day but I don't, I'm not aware of the employer being required
9 to pay a certain amount.

10 THE PROSPECTIVE JUROR: Okay. So they probably
11 don't.

12 THE COURT: What kind of shifts do you work?

13 THE PROSPECTIVE JUROR: I work from 8 to 6, Monday,
14 Tuesday, Thursday, Friday, 8 to 5 on Saturday, and 8 to 1 on
15 Wednesday.

16 THE COURT: Okay. On Wednesday?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: So do the parties think we need to make
19 inquiry to the employer or is this answer clear enough?

20 MS. KOMATIREDDY: Sorry, Your Honor. If we can just
21 confer.

22 THE COURT: That's fine.

23 (Pause.)

24 MS. KOMATIREDDY: Your Honor, we're just trying to
25 figure out what the state mandatory period is.

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1 THE COURT: Well, Ryan just looked it up. So what
2 I'm told is the state law says the employer of ten or more
3 employees must pay \$40 for the first three days and beyond
4 that, they're not obliged to pay anything.

5 MS. KOMATIREDDY: In that case, we have no
6 objection.

7 MR. DE CASTRO: No objection.

8 THE COURT: Thank you very much. You are free to
9 go. You don't have to sit on this jury and you should report
10 to the 2nd floor.

11 THE PROSPECTIVE JUROR: Second floor?

12 THE COURT: Yes.

13 THE PROSPECTIVE JUROR: When? Today?

14 THE COURT: Yes, right now, you can go.

15 THE PROSPECTIVE JUROR: Okay.

16 THE COURT: Thanks.

17 (Prospective Juror No. 154 excused.)

18 THE COURT: It's pretty much not paying. So when
19 people say according to the state law, that's it, so this is
20 what we're dealing with unless in your research you find
21 something else but that's what we found.

22 MR. DE CASTRO: My understanding is it's unpaid
23 leave, that they have to give people time to do jury service.
24 They can't fire you.

25 THE COURT: Okay.

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1 (Prospective Juror No. 156 enters.)

2 THE COURT: Hello, Juror No. 156. How are you
3 doing?

4 THE PROSPECTIVE JUROR: I'm okay.

5 THE COURT: You can leave your mask on or take it
6 off, whatever you want, and you can also put your bag down.
7 We want you to be comfortable.

8 So you told us in your questionnaire that in
9 January -- well, it says on January 6th, you had to cancel a
10 CAT scan and then you have it rescheduled for the 22nd or
11 23rd.

12 THE PROSPECTIVE JUROR: It's really -- the exact
13 date is the 24th.

14 THE COURT: Oh, okay.

15 THE PROSPECTIVE JUROR: But I have a doctor's
16 appointment for Friday the 20th.

17 THE COURT: Okay.

18 THE PROSPECTIVE JUROR: And I have to do that CT
19 scan the 24th.

20 THE COURT: Got it.

21 THE PROSPECTIVE JUROR: Because I postponed it
22 already, I cannot postpone it again.

23 THE COURT: Right. Okay. And so the doctor's
24 appointment is a Friday. The court is not sitting on Friday.
25 The CAT scan you said is on the 24th. That's a Tuesday.

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Yes, and you said you can't miss it.

3 THE PROSPECTIVE JUROR: I cannot cancel it again
4 because I canceled it the 6th.

5 THE COURT: I see. Okay.

6 THE PROSPECTIVE JUROR: Because I came the 4th or
7 the 3rd, I was supposed to come in. So I had to cancel it
8 because I had already rescheduled it for that day.

9 THE COURT: Right.

10 MR. DE CASTRO: We have no objection.

11 MS. KOMATIREDDY: We would ask for some
12 clarification an 32D, please, Your Honor, and 43.

13 THE COURT: Thank you for letting us know. I had a
14 couple more questions for you.

15 THE PROSPECTIVE JUROR: Okay.

16 THE COURT: So there was a question that said that
17 the testimony of a single witness even if the person is a
18 cooperating witness could be enough to convict a defendant of
19 a crime. Do you have any opinions or beliefs about
20 cooperating witnesses that would prevent you from applying
21 this rule?

22 THE PROSPECTIVE JUROR: When you say cooperating
23 witness, what do you mean?

24 THE COURT: It's somebody who committed a crime but
25 enters into an agreement with the government --

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: -- to provide testimony and usually the
3 government says you have to provide truthful testimony.

4 THE PROSPECTIVE JUROR: Okay.

5 THE COURT: And in exchange, they'll get something
6 like a reduced sentence.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: Okay? So if you hear testimony, if you
9 hear testimony from a witness, you'll hear the agreement with
10 the government --

11 THE PROSPECTIVE JUROR: Right.

12 THE COURT: -- and what they're getting in exchange
13 and you can decide if they're telling the truth or not.

14 THE PROSPECTIVE JUROR: Right.

15 THE COURT: But if you decide that they are telling
16 the truth, that can be enough to convict somebody.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: So we want to make sure that, we want to
19 find out whether you can accept that.

20 THE PROSPECTIVE JUROR: I would.

21 THE COURT: Or the flip side of it is whether you
22 would require that the government give you something more.

23 THE PROSPECTIVE JUROR: It all depends on what he
24 says to what the government is going to say.

25 THE COURT: Right. And so, you know, when you say

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1 it depends, you're supposed to look at the whole situation.

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: You don't have to accept the person's
4 testimony. You can decide if the person is not telling the
5 truth or you can, you know, decide it's not reliable but if
6 you decide it's credible and if you decide it's reliable, and
7 if you think the government has proven its case beyond a
8 reasonable doubt, the question is whether you would say, I'm
9 convinced by this testimony but I'm not going to convict
10 because it's only testimony from one witness.

11 It's a difficult question but do you understand what
12 I mean?

13 THE PROSPECTIVE JUROR: Not really because I'm not
14 really familiar with the court system as to, you know.

15 THE COURT: Okay. So the court system -- so
16 sometimes on TV, you see crime shows and they're presenting
17 all kind of evidence, fingerprints, DNA, there's a lot of
18 evidence.

19 MS. KOMATIREDDY: Your Honor, we don't have an
20 objection.

21 THE COURT: No objection?

22 MS. KOMATIREDDY: No objection.

23 THE COURT: Okay. So given what you've told us
24 about your medical examination, you're excused. Okay?

25 THE PROSPECTIVE JUROR: All right.

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1 THE COURT: So you're free to go and you can go to
2 the second floor and let them know that you're excused from
3 this trial.

4 THE PROSPECTIVE JUROR: Okay. Thank you.

5 THE COURT: Thank you.

6 (Prospective Juror No. 156 excused.)

7 MS. KOMATIREDDY: Sorry, Judge.

8 THE COURT: That's okay. I told you I'm just going
9 to keep going until you stop me. So as soon as you decide
10 that you want the juror excused for cause, you should say "no
11 objection" and I'll stop. That's part of the purpose of that
12 procedure.

13 (Prospective Juror No. 158 enters.)

14 THE COURT: Hi. Juror No. 158. How are you doing?

15 THE PROSPECTIVE JUROR: Very good. Thank you. How
16 are you?

17 THE COURT: Thank you. I know we are getting late
18 in the day so we can wrap up. You mentioned that your
19 daughter had surgery planned and that was yesterday?

20 THE PROSPECTIVE JUROR: Yesterday, yes.

21 THE COURT: So how is she doing?

22 THE PROSPECTIVE JUROR: Very good. Thank you.

23 THE COURT: I'm glad. And you said your husband has
24 surgery March 24th.

25 THE PROSPECTIVE JUROR: Yes, we're a surgical

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1 family.

2 THE COURT: It's good that we have those options.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: So I think that that is probably safe.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: We're not anticipating that the case
7 will go into that period.

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: I had another question about your prior
10 jury service. You said you had sat on a civil case and a
11 criminal case.

12 THE PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: And in both cases, there was a verdict.
14 So is there anything about your prior service of jury duty
15 that would make you not be fair in this case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: You've had experience.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: So you know how it goes.

20 THE PROSPECTIVE JUROR: Not in federal court though.

21 THE COURT: Okay. All right. Great.

22 So in a civil case, you know that the standard of
23 proof is preponderance of evidence. In a criminal case, it's
24 beyond a reasonable doubt. It's the same in state court, in
25 federal court as in state court.

CMH

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RDR

FCRR

Prospective Juror No. 158

601

1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: Can you apply that higher standard?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Is there anything about the fact that
5 this case is in federal court that makes you not comfortable?

6 THE PROSPECTIVE JUROR: Not at all, no.

7 THE COURT: Can you think of any reason that you
8 wouldn't be a fair and impartial juror in this case?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: And is there anything that you wanted to
11 tell the court that you didn't have the opportunity to tell
12 us?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Any other questions?

15 MS. KOMATIREDDY: No thank you, Judge.

16 THE COURT: All right. Thank you very much. You
17 can go back across the hall.

18 (Prospective Juror No. 158 exits.)

19 THE COURT: So let's talk about the next, the last
20 three jurors.

21 For 159, what should I focus on?

22 MS. KOMATIREDDY: 159, Your Honor, said that they
23 knew what AFI was. AFI is one of the agencies the defendant
24 used to work at. He was the head of it. Agencia Federal de
25 Investigacion.

Prospective Juror No. 159

602

1 THE COURT: A-F-I?

2 MS. KOMATIREDDY: AFI, yes.

3 THE COURT: Okay.

4 MR. DE CASTRO: I'll tell you my numbers. 35, 38,
5 40 and 71.

6 THE COURT: All right. So then for 160? I have
7 travel.

8 MR. DE CASTRO: Travel in the middle of the trial.

9 THE COURT: Yes.

10 MS. KOMATIREDDY: And on number 59, I think this is
11 clear, but there appeared to be some scratching off so perhaps
12 just make sure that it's a firm answer.

13 THE COURT: 0162?

14 MR. DE CASTRO: There's also a medical procedure,
15 pending outcome. That was -- who knows. Also 71 on that one
16 too.

17 THE COURT: Anything from the government?

18 MR. DE CASTRO: We're on 162, right?

19 THE COURT: Yes.

20 MR. DE CASTRO: I have 43, 47, 59 and 71.

21 MS. KOMATIREDDY: We have the same, Your Honor.

22 THE COURT: So let's call in Juror 159.

23 (Prospective Juror No. 159 enters.)

24 THE COURT: Hello. Juror 159. How are you doing?

25 THE PROSPECTIVE JUROR: Good. Good evening.

Prospective Juror No. 159

603

1 THE COURT: Good. So we just have a few questions
2 based on your answers to the questionnaires.

3 THE PROSPECTIVE JUROR: Sure.

4 THE COURT: You said that you have two high school
5 friends who are NYPD?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Does the fact that you have friends in
8 law enforcement affect your ability to be fair in this case?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Would you be able to assess the
11 testimony of law enforcement officer witnesses just like any
12 other witness?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And would you tend to favor the law
15 enforcement or not favor them just because they're law
16 enforcement?

17 THE PROSPECTIVE JUROR: Not, not biased.

18 THE COURT: You also said that your mother's
19 accountant filed an appeal against the IRS on your mother's
20 behalf on a tax dispute. Do you think the fact that this
21 happened affects your ability to be fair when there are
22 government agencies involved in this case?

23 THE PROSPECTIVE JUROR: No, it won't affect me.

24 THE COURT: And then you also said you are a victim
25 of a robbery in 2013 and no one was arrested. Does that

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Prospective Juror No. 159

604

1 affect your ability to be fair in this case?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Does it cause you to have any feelings
4 about the work that the police do? And, you know, this is a
5 criminal case.

6 THE PROSPECTIVE JUROR: Yes. So I've had actually a
7 positive experience with police. They're caring. They drove
8 me around in a car and then they helped me ID or tried to help
9 me ID the person. So, no, no bad experience.

10 THE COURT: So the flip side of it is do you have,
11 because of that positive experience, would you tend to favor
12 the police?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Okay. Great. Then you also said that
15 you know what the, you circled Mexican Government Federal
16 Investigation Agency, AFI, that you know them. How do you
17 know them?

18 THE PROSPECTIVE JUROR: Oh, no, I saw it in the
19 news. I think I saw the AFI sign on like a Mexican kind of
20 FBI police force. So I don't personally know anyone from AFI.

21 THE COURT: Okay. So you just know what it stands
22 for?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Do you think that knowledge will affect
25 your ability to be fair in this case?

Prospective Juror No. 159

605

1 THE PROSPECTIVE JUROR: No, it won't affect me.

2 THE COURT: Okay. And then the last question is
3 whether you know if you are going to be paid while you're on
4 jury duty.

5 THE PROSPECTIVE JUROR: Yeah. So my employer covers
6 up to ten days of jury duty and after ten days, I have to use
7 my own personal vacation days or just take unpaid leave.

8 THE COURT: And if that were to happen, would it be
9 a hardship on you?

10 THE PROSPECTIVE JUROR: It might. Like, I guess I
11 would be paid the rate for the, like, jury duty service. It's
12 \$40 a day? I might have some problem with mortgage payments
13 because I earn, I guess, a decent wage now so I'm depending on
14 that to pay my mortgage and whatever, property tax bills. So
15 for eight weeks, I think maybe a little bit. I would try to
16 like defer payments if I can or something like that.

17 THE COURT: Do you -- what days a week do you work
18 now?

19 THE PROSPECTIVE JUROR: Monday to Friday.

20 THE COURT: And is there an option of switching
21 shifts to weekends?

22 THE PROSPECTIVE JUROR: Yes. So I can work from
23 home. So I don't think my workload would change so I can
24 probably, after the jury duty hours, I can work from home,
25 catch up on work, e-mails, and work Friday and weekends.

Prospective Juror No. 160

606

1 THE COURT: Right. Okay. Because you said here
2 you're willing to work nights, Fridays and weekends.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: So it sounds like you can accommodate
5 what's happening. Well, I appreciate your willingness to do
6 that.

7 THE PROSPECTIVE JUROR: Of course.

8 THE COURT: Does anybody have any questions?

9 MS. KOMATIREDDY: No, Judge. Thank you.

10 THE COURT: Mr. de Castro?

11 MR. DE CASTRO: No, Judge.

12 THE COURT: Thank you. You can go across the hall.

13 (Prospective Juror No. 159 exits.)

14 THE COURT: Prospective Juror 160.

15 (Prospective Juror No. 160 enters.)

16 THE COURT: Hi. There's a podium right here.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: Hi. How are you doing?

19 THE PROSPECTIVE JUROR: I'm doing okay. How are
20 you?

21 THE COURT: I'm good. Thank you. So you said that
22 you have travel plans coming up.

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: To the Dominican Republic from
25 February 9th to February 12th?

Prospective Juror No. 160

607

1 THE PROSPECTIVE JUROR: Correct.

2 THE COURT: So part of that is over a weekend.

3 February 9th is a Thursday.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Are you leaving in the morning or the
6 evening?

7 THE PROSPECTIVE JUROR: I think in the morning, the
8 morning, yes.

9 THE COURT: And are these plans that you can change
10 if you have to?

11 THE PROSPECTIVE JUROR: Well, that depends on the
12 wife so, you know ...

13 THE COURT: Are these tickets that you can refund
14 and change?

15 THE PROSPECTIVE JUROR: I don't think so. It was
16 already rescheduled, I guess.

17 THE COURT: And is it a holiday?

18 THE PROSPECTIVE JUROR: It's tickets that were going
19 to expire because it was canceled last time so we got to use
20 it or lose it, I guess.

21 THE COURT: Okay. Is that the last date that you
22 can use it?

23 THE PROSPECTIVE JUROR: Pretty much, yes, pretty
24 much.

25 THE COURT: Okay. So let me ask you a couple of

Prospective Juror No. 160

608

1 other questions.

2 THE PROSPECTIVE JUROR: Sure.

3 THE COURT: You were asked about the presumption of
4 innocence.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: The question was that the defendant is
7 presumed innocent and can only be found guilty if the
8 government proves its case beyond a reasonable doubt. It
9 wasn't clear because you crossed things out whether you said
10 you could accept that a person is presumed innocent or not.
11 So can you presume somebody innocent?

12 THE PROSPECTIVE JUROR: Absolutely. I mean you've
13 got to go by the facts, right? Absolutely.

14 THE COURT: And can you accept September the
15 government has to prove its case beyond a reasonable doubt?

16 THE PROSPECTIVE JUROR: Of course.

17 THE COURT: And you also said you have a
18 brother-in-law who's an FBI agent?

19 THE PROSPECTIVE JUROR: Correct.

20 THE COURT: And does the fact that you have a family
21 member who is in law enforcement, would this affect your
22 ability to be fair and impartial to law enforcement witnesses
23 as well as non-law enforcement witnesses?

24 THE PROSPECTIVE JUROR: Absolutely not.

25 THE COURT: Okay. So is there any reason you think

Prospective Juror No. 160

609

1 that you could not be fair if you were picked as a juror?

2 THE PROSPECTIVE JUROR: Not that I can think of
3 right now so I don't think so.

4 THE COURT: You also mentioned that you had some law
5 enforcement contact.

6 MR. DE CASTRO: Your Honor, I'm sorry to interrupt.
7 If you don't mind, maybe follow up because the FBI is involved
8 in this case.

9 THE COURT: Yes.

10 More specifically, the FBI is one of the agencies
11 that would be, that is involved in an investigation in this
12 case.

13 THE PROSPECTIVE JUROR: Okay.

14 THE COURT: So you're likely to hear about what the
15 FBI did and you're likely to hear testimony from FBI agents.

16 THE PROSPECTIVE JUROR: Okay.

17 THE COURT: Would you be able to assess the
18 testimony of an FBI agent just like any other witness?

19 THE PROSPECTIVE JUROR: Absolutely, yes.

20 THE COURT: Notwithstanding that you have a family
21 member who's FBI?

22 THE PROSPECTIVE JUROR: No, no, not at all.

23 THE COURT: All right. Sir, the question was about
24 law enforcement contact.

25 THE PROSPECTIVE JUROR: Okay.

Prospective Juror No. 160

610

1 THE COURT: You said that you or someone you know
2 had been stopped, questioned, investigated or arrested. Just
3 some contact with law enforcement. You said yes but you
4 didn't say what it was and then you said it wouldn't affect
5 your ability to be fair. So I just want to know what the
6 contact is.

7 THE PROSPECTIVE JUROR: I'm trying to think.
8 Probably something minor, broken taillight or something, you
9 know, nothing major.

10 THE COURT: Okay. That's fine.

11 MS. KOMATIREDDY: Number 40, please, Your Honor.

12 THE COURT: You also said yes when you were asked if
13 you or someone you know was a witness to or a victim of a
14 crime. You said the family member was a victim of immigration
15 fraud.

16 THE PROSPECTIVE JUROR: Correct. Correct.

17 THE COURT: What happened?

18 THE PROSPECTIVE JUROR: I guess, years ago, I think
19 my mom was involved in some sort of -- she, I guess she was
20 scammed by an immigration person who posed as some sort of
21 immigration agent that he supposedly can get family members
22 over, I guess he somehow knows some people to expedite the
23 situation, you know. So I think that went to federal court
24 also, that was a federal case, and I guess he got locked up.
25 So yes.

Prospective Juror No. 160

611

1 THE COURT: So charges were brought against the
2 person?

3 THE PROSPECTIVE JUROR: Absolutely.

4 THE COURT: And was the person posing as an
5 immigration lawyer?

6 THE PROSPECTIVE JUROR: I think it was an
7 immigration lawyer.

8 THE COURT: I see.

9 THE PROSPECTIVE JUROR: I think it turned out he
10 worked for immigration and, you know, I guess he worked for
11 the office or something and he claimed that he can, you know,
12 bring the family over. There's a lot of gullible people out
13 there, you know.

14 THE COURT: Well, in this case, one of the
15 investigative agencies is also an immigration agency.

16 THE PROSPECTIVE JUROR: Okay.

17 THE COURT: So there is likely to be testimony from
18 immigration agents.

19 THE PROSPECTIVE JUROR: Okay.

20 THE COURT: So could you assess their testimony just
21 like anyone else?

22 THE PROSPECTIVE JUROR: Yes, absolutely.

23 THE COURT: Okay. Would you be concerned that they
24 were -- would you be thinking about the scammer who was --

25 THE PROSPECTIVE JUROR: No, I don't think so. I

Prospective Juror No. 162

612

1 don't think it has anything to do with the agency itself, but
2 the person itself.

3 THE COURT: So would you assess their testimony just
4 like any other witness?

5 THE PROSPECTIVE JUROR: Correct.

6 THE COURT: Okay. Any follow-up questions?

7 MS. KOMATIREDDY: No thank you, Judge.

8 MR. DE CASTRO: No thank you.

9 THE COURT: Thank you very much.

10 THE PROSPECTIVE JUROR: You're welcome.

11 THE COURT: You can go across the hall.

12 (Prospective Juror 160 exits.)

13 THE COURT: And the last juror, 162.

14 (Prospective Juror No. 162 enters.)

15 THE COURT: Hi. Juror 162. How are you doing?

16 THE PROSPECTIVE JUROR: All right. Yourself?

17 THE COURT: Good. So you can put your bag on that
18 chair.

19 THE PROSPECTIVE JUROR: Sure.

20 THE COURT: So you had put on your questionnaire
21 that you had a biopsy coming up on January 12th. That's
22 passed.

23 THE PROSPECTIVE JUROR: I just had it, yes.

24 THE COURT: And have you gotten the results?

25 THE PROSPECTIVE JUROR: No, I have not.

Prospective Juror No. 162

613

1 THE COURT: Do you know when you would get the
2 results?

3 THE PROSPECTIVE JUROR: They said three to five days
4 so because of the holiday, I'm assuming that's the delay in
5 getting the results.

6 THE COURT: Okay. So are you -- will they just call
7 you and tell you the result?

8 THE PROSPECTIVE JUROR: Yes, they're supposed to
9 call.

10 THE COURT: Okay. One of these days?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. So hopefully they'll -- you'll
13 know, by this week and then, and hopefully everything is fine.

14 THE PROSPECTIVE JUROR: Thank you.

15 THE COURT: And so then you would be available to
16 serve on the jury if the trial starts on Monday?

17 THE PROSPECTIVE JUROR: Yes, depending on the
18 outcome.

19 THE COURT: Yes. We're all hoping and praying for a
20 good outcome for you.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. So I just wanted to address that.
23 You said that your mentor was a lawyer?

24 THE PROSPECTIVE JUROR: Yes. Yes.

25 THE COURT: What kind of law was that?

Prospective Juror No. 162

614

1 THE PROSPECTIVE JUROR: It was criminal law.

2 THE COURT: And did you talk about criminal law?

3 THE PROSPECTIVE JUROR: Basically I don't have any
4 real experience with it but I was interested in trying to
5 learn how to help individuals, you know, that had maybe a
6 criminal background or whatever, learning what's the process
7 of that.

8 THE COURT: And did anything ever come of that?

9 THE PROSPECTIVE JUROR: No because I changed
10 careers. That was where I was leaning at first to go towards
11 that but then I changed and started doing something else.

12 THE COURT: Okay. And you're a medical
13 administrative assistant?

14 THE PROSPECTIVE JUROR: I am.

15 THE COURT: So did you -- if you're picked as a
16 juror, you will be asked to, you will be instructed on what
17 the law is. Do you think you can follow the judge's
18 instruction on the law or would you be thinking about what
19 this lawyer told you the law was?

20 THE PROSPECTIVE JUROR: Oh, no, I could follow
21 instructions.

22 THE COURT: Okay. You also said that your son was
23 unfortunately incarcerated?

24 THE PROSPECTIVE JUROR: That's correct.

25 THE COURT: And so do you think that experience

Prospective Juror No. 162

615

1 would affect your ability to be fair in this case?

2 THE PROSPECTIVE JUROR: No, I have no problem being
3 fair.

4 THE COURT: Okay. And you had sat on a civil trial
5 before as a juror?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: So the burden of proof there is lower.
8 It's the preponderance of the evidence. Here, it's beyond a
9 reasonable doubt because it's a criminal trial.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: Could you apply that higher standard?

12 THE PROSPECTIVE JUROR: Yes, I could.

13 THE COURT: Okay. Can you think of any reason why
14 you would not be a fair and impartial juror if you were
15 picked?

16 THE PROSPECTIVE JUROR: No, I cannot.

17 THE COURT: And you said you're not sure if you
18 would get paid.

19 THE PROSPECTIVE JUROR: I'm not sure.

20 THE COURT: Okay. Can you find out from your
21 employer?

22 THE PROSPECTIVE JUROR: I will.

23 THE COURT: Good. I'm going to ask everybody to
24 come back tomorrow at 8:30 so, hopefully, you'll have some
25 answer by then.

Jury Selection

616

1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: So why don't you go back, let me talk to
3 the lawyers for a bit and then I'll ask everyone to come back
4 in a few minutes.

5 THE PROSPECTIVE JUROR: Okay.

6 (Prospective Juror No. 162 exits.)

7 MS. KOMATIREDDY: Your Honor, we're tracking 54 with
8 11 pay issues. Is that right?

9 MS. GOTLIB: There's also one to follow-up, he saw
10 the news.

11 THE COURT: You're correct about the 11 pay issues
12 and then there's one with the hearing and then there's one
13 with the news but I don't have 54. We have 52.

14 MS. GOTLIB: I have 54: 26 yesterday and 28 today.

15 MS. KOMATIREDDY: Yes, Your Honor.

16 THE COURT: Okay. So the chart that I have, I'll
17 just read out the numbers and you can follow. I'll just read
18 out the numbers of everyone that remains and then I'll read
19 out the numbers of the people who we might have an issue with.

20 Does that make sense?

21 MR. DE CASTRO: Sure.

22 THE COURT: So I have 3, 4, 6, 7, 9, 13, 15, 17, 18,
23 19, 21, 27, 30, 31, 32, 35, 36, 41, 45, 56, 61, 64, 67, 78,
24 80, 83, 87, 89, 90, 91, 93, 97, 101, 102, 103, 109, 114, 116,
25 122, 123, 128, 134, 136 --

Jury Selection

617

1 MR. DE CASTRO: Judge, it's 129.

2 THE COURT: 129, okay. 134, 136, 138, 143, 145,
3 147. Actually, 129 I had out of order. After 147, 150, 153,
4 158, 159, 160, 162.

5 MS. KOMATIREDDY: Yes that's what we have,
6 Your Honor.

7 MR. DE CASTRO: Yes.

8 THE COURT: So 54. Before we go further, I want to
9 excuse the jurors. The question is whether you want to hear
10 from 122, the person with the hearing -- wait. That was the
11 morning, right? So I think we can let the afternoon people go
12 unless you have for cause.

13 MS. KOMATIREDDY: Not from us, Your Honor.

14 THE COURT: So why don't we release them so we can
15 let them go home and we can continue talking.

16 (Prospective Jurors enter.)

17 THE COURT: You can sit anywhere.

18 Thank you, everybody, for your patience. I know
19 it's been a long day. It's already past 5:30. My microphone
20 was not on.

21 Thank you, everybody, for your patience. You've
22 been wonderful. It's now past 5:30 so we're done for the day.
23 What I would like is for you all to come back tomorrow morning
24 at 8:30 and we're going to complete the jury selection at that
25 point.

Jury Selection

618

1 So by tomorrow morning, you know, once everybody is
2 here, there's some other jurors who we spoke to yesterday and
3 in the morning, so everybody will gather and then we will pick
4 the people who will be sitting as the jury and whoever is not
5 picked will be free to go.

6 I know some of you were asked to make some calls or
7 send e-mails to find out certain answers to questions so
8 tomorrow morning, if you could, when you check in, let the
9 jury office know whether you have an answer and then we'll
10 talk to you about what your answer is. Okay?

11 So we'll have that little piece of it and then the
12 lawyers will make their final decisions and we'll know by the
13 end of the morning who will be on the jury, but it's important
14 for you to be here on time so we can get that process going
15 and, you know, be able to finish everything. Okay?

16 So have a good evening and I'll see you tomorrow
17 morning at 8:30. Report to the jury office on the second
18 floor when you come in tomorrow morning.

19 Thank you very much.

20 (Prospective Jurors exit.)

21 THE COURT: All right. Please be seated.

22 If our calculations are correct, we are at 41 -- and
23 if everybody who is asking their employers about pay comes
24 back with the bad news, then we will be at 41. So the
25 question is whether we should call in any additional jurors

Jury Selection

619

1 from the list off the questionnaire.

2 So we've gone through 120 or so or there's some
3 people who didn't show up but I know we've got some more
4 questionnaires available. I don't think we need to call in 30
5 but I wonder if you think it makes sense to call in a few more
6 in case we hear more bad news.

7 (Continued on next page.)

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Jury Selection

620

1 (Continuing)

2 MS. KOMATIREDDY: We think it does, Your Honor. We
3 would suggest calling in a morning session, so I think that is
4 30, if Your Honor doesn't mind, just in case.

5 MR. DE CASTRO: I don't think we are going to need
6 them, but call them in. They can hang out for the morning and
7 leave. I think that makes sense for everybody.

8 THE COURT: So why don't we ask the jury office to
9 call in 30 additional jurors in case we need them. So we will
10 just see in the morning if we have the 40 that we need. And
11 if you do, then you can exercise your peremptories. If you
12 don't, then we will question as many as jurors as we need to
13 get us to 40. I don't anticipate that will take a lot, and
14 I'm hoping we don't need to do that. But I do think the
15 prudent thing to do to call them in.

16 So tomorrow morning, did you give any more thought
17 to my silent peremptory challenge proposal or do you want to
18 do this at sidebar where we do it orally? Either way is fine.

19 MS. KOMATIREDDY: Sidebar. I would like to do it at
20 sidebar.

21 MR. DE CASTRO: I'm up to trying something I've
22 never done, but that's fine. Sidebar is great.

23 THE COURT: That's fine. We will do that here. You
24 will tell me who you're striking. I will have all of the 40
25 jurors here so you can look up and see who they are. Ryan can

Jury Selection

621

1 we have them seated in order so you can identify who they are.

2 MR. DE CASTRO: That would be great.

3 MS. KOMATIREDDY: Yes, thank you, Judge.

4 THE COURT: And once we know who they are, we will
5 come up with a chart with 40 seats and then you can see who
6 the jurors are, because the numbers are going to be all over
7 the place, but we will do it sequentially so they are in the
8 proper order.

9 MR. DE CASTRO: Will they still have their --

10 THE COURT: Yes.

11 MR. DE CASTRO: That will be helpful.

12 THE COURT: Once we square away the 40 people, we
13 will give the parties half hour about what they want to do.
14 Then we'll gather at sidebar, we will do the challenges here.
15 If there are going to be any Batson challenges, please raise
16 them immediately, because if you wait until the end, it's
17 going to be hard. I think it makes sense to raise them.
18 Sometimes the decision -- we will work out how the timing of
19 the decisions might end up being, but I would urge you to
20 raise them on the spot.

21 Are there any other issues we need to discuss?

22 MS. KOMATIREDDY: Not from the Government, Your
23 Honor.

24 MR. DE CASTRO: No, Your Honor.

25 THE COURT: Good.

Jury Selection

622

1 Let's gather at 9 o'clock sharp. We need to get the
2 answer from the jurors -- the outstanding answers, so
3 hopefully they will have conveyed that to the jury department
4 and then we can call them in to question them if we want to.
5 Jurors 27 and 122, we need to question. So if they are here,
6 regardless of whether the others are here, I would ask to have
7 them brought up so we can get that done. And then we will see
8 where we are. Hopefully everything will go smoothly and we
9 will do everything lockstep.

10 Once you exercise the peremptory challenges, what I
11 will do is to seat the jurors in this jury box. There are 18
12 seats. That will fill the twelve jurors and then the six
13 alternates. Then you can tell me if it's acceptable or not.
14 Right.

15 So I understand from Judge Cogan he will start trial
16 on Monday. We will just work toward that.

17 Any questions?

18 MR. DE CASTRO: None.

19 MS. KOMATIREDDY: No. Thank you, Judge.

20 THE COURT: I will see everybody tomorrow morning.
21 (Pause.)

22 THE COURT: I'm sorry, I got a note.

23 We are back on the record for a moment. I got a
24 note that Juror No. 7 tested positive for COVID. Now we are
25 at potentially exactly 40. I have been calling in those extra

Jury Selection

623

1 people. I think that would be the prudent thing to do.

2 MR. DE CASTRO: Judge, No. 7 is also not going to
3 get paid, so.

4 THE COURT: All right. Anyway, I think we should
5 tell that juror to stay home.

6 MR. DE CASTRO: Agreed.

7 THE COURT: We are going to strike seven for cause
8 for testing positive for COVID.

9 Anything else?

10 Did the Government want to say anything?

11 MS. KOMATIREDDY: I'm sorry, I just want to ask my
12 colleagues something.

13 No objection, Your Honor.

14 THE COURT: We will let the jury office that that
15 juror is excused. All right. Thank you everybody. Now we
16 are adjourned.

17 (Matter adjourned to January 19, 2023 at 9:00 a.m.)

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